United Nations S/PV.4826

Security Council

Fifty-eighth year

Provisional

4826th meeting

Tuesday, 16 September 2003, 10.30 a.m.

New York

President:	Sir Emyr Jones Parry	(United Kingdom of Great Britain and Northern Ireland)
Members:	Angola	Mr. Gaspar Martins
	Bulgaria	Mr. Tafrov
	Cameroon	Mr. Tidjani
	Chile	Mr. Maquieira
	China	Mr. Zhang Yishan
	France	Mr. De La Sablière
	Germany	Mr. Pleuger
	Guinea	Mr. Sow
	Mexico	Mrs. Arce de Jeannet
	Pakistan	Mr. Mahmood
	Russian Federation	Mr. Konuzin
	Spain	Ms. Menéndez
	Syrian Arab Republic	Mr. Mekdad
	United States of America	Mr. Cunningham

Agenda

The situation in Liberia

Report of the Secretary-General to the Security Council on Liberia (S/2003/875)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

03-51382 (E)

The meeting was called to order at 10.40 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Liberia

Report of the Secretary-General to the Security Council on Liberia (S/2003/875)

The President: In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Jacques Klein, Special Representative of the Secretary-General for Liberia.

There being no objection, it is so decided.

I invite Mr. Klein to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members have before them the report of the Secretary-General to the Security Council on Liberia in document S/2003/875.

At this meeting, the Security Council will hear a briefing by Mr. Jacques Klein, Special Representative of the Secretary-General for Liberia. I give him the floor.

Mr. Klein (*spoke in French*): It is an honour for me today, in my capacity as Special Representative of the Secretary-General and Coordinator of United Nations Operations in Liberia, to submit to the Council the first report of the Secretary-General on Liberia.

At a time when the international community is closely considering the role played and results obtained by the United Nations in the resolution of conflicts around the world, it is my hope that the current situation in Liberia will continue to attract sustained international attention and commitment. It is in that spirit, and on the condition of approval by the members of this Council, that the recommendations contained in the report — with a particular view to establishing a United Nations mission in Liberia — were formulated.

(*spoke in English*)

Liberia's massive humanitarian and political crisis calls for immediate intervention. Thousands of its citizens do not have access to life's basic necessities of shelter, water, food or even rudimentary medical care. Their suffering echoes the words of the scriptures: "My God, my God, why hast Thou forsaken me?" For the past 12 years, they have lived in a hellish limbo, suffering at the whim of warlords and despots, exploited by a criminal kleptocracy without help or relief in sight. Their lives and their country are held hostage by armed drugged thugs who destroyed the State and engulfed the region in chaos. The ravages of self-centred political and criminal ideologies spread the conflict beyond Liberia's borders and caused enormous suffering and havoc in the neighbouring States.

It is hard to assess the psychological effects of these crimes against justice and humanity. The matter becomes more complex when we think of it as something which a nation has absorbed into its very being — a sort of virus which, through channels of circulation, has infected the entire body politic. The result: the fearful economic waste; the untimely death of no small part of the population; a measure of terror and pain that can only be partially conceived and estimated; and the collective national consciousness of having been witness to enormous crimes.

This is a fearful legacy to be left to future generations. Life becomes cheap; nothing is absolutely safe or sure; deeds of injustice and violence become common facts in daily life; and there is the ever-present fear of imminent war. Events, however revolting, are soon forgotten in our often tempo-centric world. Bernard Shaw wrote that the worst sin towards our fellow men is not to hate them, but to be indifferent to them. That is the essence of inhumanity.

The decent and good people of Liberia, and there are many of them, deserve better from us. Liberia was a founding Member of the United Nations. It played a key and critical role in the fight against fascism. Roberts Field was built as an entrepôt for allied aircraft transiting to Europe. Liberia also produced the majority of the free world's rubber supplies that ensured allied victory after the plantations of South-East Asia were overrun. Time and again, when Liberia was called upon for help or assistance, it gave. Does it deserve no less now that it needs our help?

Today Liberia is not even listed on the United Nations Development Programme human development index. Seventy-five per cent of its citizens are living below the poverty line; the unemployment rate is 85 per cent; the literacy rate is 38 per cent; 50 per cent of the population is under 15 years of age. Added to that is that 70 per cent of the belligerents are child soldiers, coerced, psychologically traumatized, manipulated and exploited by self-appointed military leaders. We have a phenomenon not known elsewhere in the world where the younger population is actually less well educated than their parents.

We have an obligation to assist in putting an end to that cycle of brutality, violence, corruption and instability, which has destroyed the social fabric of society, spilled over the borders of Liberia and profoundly affected the region as a whole. That effort will require dramatic, engaged and bold solutions. Liberia and the region need to be stabilized and brought into a larger African framework where it can be given the political support, the encouragement and the mentoring required to help it become a stable and self-sustaining member of Africa and the international community.

The first steps have already been taken. We need to pay a special tribute to the courage and diligence of President Obasanjo of Nigeria, Nigeria's Foreign Minister and General Abubakar and to the staff who supported the recent peace talks in Ghana. The Economic Community of West African States (ECOWAS) has played the lead role in creating the conditions for peace in Liberia. Through concerted political action and the commitment of troops, ECOWAS has underscored its importance and its energy as the regional organization committed to ensuring peace, stability and development in West Africa.

To build on the efforts of ECOWAS, the international community must make a strong commitment now to Liberia, from disarmament, demobilization and reintegration, to establishing a safe and secure environment for refugee return, addressing law and order issues, gender issues and seriously attacking cross-border criminal activities. Those efforts, if successful, will transform Liberia from a failed State at war with itself to a nation at peace.

Despite the multitude of challenges facing us, there is room for hope. Progress can be made, but it will be expensive, arduous and at times frustrating. At a time of many calls for the attention and resources of the international community, it is necessary to plan next steps not only in Liberia, but also in the context of the region on the basis of objective analysis.

We cannot be timid and handicap ourselves from the outset of this enterprise, as we did in Sierra Leone. The international community must be prepared to commit the resources and the personnel needed to help the people of Liberia rebuild their country. And while the international community must provide the resources, this must also be a partnership with the citizens of Liberia for they ultimately have the responsibility for ending the conflict and healing and rebuilding their nation.

An essential part of the healing and rebuilding process is the bringing to justice of those who have committed violations of international law. Without justice, there can be no healing. Without justice, those who believe that they can act with impunity will be tempted to do so again. Without justice, Liberia cannot bring this dark past to closure and look to a brighter future. Ultimately, if you do not punish the guilty, you cannot absolve the innocent.

Between 24 and 29 August, I met with Presidents of Côte d'Ivoire, Sierra Leone, the Prime Minister of Guinea, members of the diplomatic community, the Commander of the French forces in Côte d'Ivoire, the Prosecutor of the Special Court for Sierra Leone and my colleagues in the United Nations missions in the field.

On 1 September, I met with President of Nigeria and the Foreign Minister. In my meetings all pledged their support and full cooperation with the United Nations Mission on Liberia (UNMIL) and stressed the need for regional cooperation. It is that cooperation that is crucial if United Nations efforts in Liberia and the region are to be successful.

I turn now to the task facing UNMIL. The Secretary-General's report, which is before you (S/2003/875), details key elements that are required if that mission is to achieve its mandate.

I must commend the rapid deployment of the ECOWAS Military Mission in Liberia (ECOMIL) to Liberia, and take this opportunity to salute the troops from Nigeria, Guinea-Bissau, Senegal, Mali, Ghana, Benin and Togo in the highly visible and volatile

situation that they originally faced. Subsequent to the deployment of ECOMIL, with support from the offshore assets of the United States, stability has begun to be restored in and around Monrovia. Clearly, much more remains to be done.

The multinational force that is now in Liberia, with the Council's approval, will be replaced by a United Nations force on 1 October, if the Council approves the mandate. That United Nations force must be credible, well trained and well equipped. Its leadership must be focused, impartial, experienced and professional. Without those ingredients, the mission will be in jeopardy. Troops will be asked to carry out extremely difficult tasks — not only securing the capital and other major towns, but also ensuring that the combatants respect the Peace Agreement, monitoring the borders of the State, establishing cantonment sites for disarmament, overseeing demobilization and ensuring that a safe and secure environment is established for all members of the Liberian population. Therefore, well-led, trained and equipped forces can make the difference between success and failure, between peace and chaos.

One of the major challenges facing us will be the disarmament, demobilization and reintegration of all ex-combatants. United Nations experience in Liberia, Sierra Leone, Côte d'Ivoire, the Democratic Republic of the Congo and Mozambique should serve as lessons learned. First, there cannot be disarmament and demobilization without integration, rehabilitation and re-insertion into society. Therefore, it must be stressed, adequate and secure financing for the programme is critical and must include the maintenance of cantonment sites, supporting ex-combatants and their families during the process and providing alternative means of vocational training, employment and education.

In that respect, particular attention must be focused on child ex-combatants who face greater difficulty in re-entering civil society and will require special assistance in compliance with the United Nations Convention on the Rights of the Child. That assistance will focus on family reunification, along with special medical, shelter, and educational and technical assistance, facilitated by the United Nations Children's Fund (UNICEF) and other child protection agencies, until such time that they can be safely reintegrated into civil society. Female ex-combatants also face difficulties. They need to receive specialized medical treatment, shelter, education and retraining and counselling assistance. The medical rehabilitation of all ex-combatants will be required. Those with physical disabilities must be given high priority assistance.

It should also be noted that most of the ex-combatants have neither completed formal education, nor have they acquired the necessary technical skills to compete in the economic development of Liberia. Without the prospect of participating in the economic life of the country, most ex-combatants will revert to criminal activities to sustain a livelihood. It is crucial that programmes be created to ensure that these ex-combatants have a fair chance to secure employment or educational opportunities if they are to be peacefully reintegrated into Liberian society.

One of the yardsticks by which UNMIL's ultimate success will be measured is its contribution to reforming and restructuring the criminal justice system to better reflect the communities they serve and to provide confidence for returnees. I have placed a high priority on this process. In all of these endeavours our focus is to ensure that police performance meets international standards of policing and human rights. That requires co-location of civilian police officers with local police for the purpose of monitoring and mentoring. But the key to self-sustaining police reform is professional training. We will institute the essential programmes of human dignity and transitional courses and basic and specialized courses such as leadership, management, community policing, firearms and traffic training. Our aim will be to create an effective educational infrastructure within one year so that the local police can become self-sustaining in their training programmes, thus freeing up our resources for the more extensive programme of co-location.

We will also work to objectivity ensure that the judicial system, which has been rendered dysfunctional through political intimidation and lack of resources, is restructured. As I have often said, if police reform is not accompanied by judicial reform, it is like trying to clap with only one hand. That is a bitter lesson learned from my last two missions. Those entrusted with those programmes and the new judicial review process must be competent professionals who have the confidence and trust of the local judicial community. The overall management of judicial reform and review remains the responsibility of the National Transitional Government of Liberia, with assistance provided by expert

international organizations, under the lead of the United Nations through the expertise and resources of the United Nations Development Programme. Until citizens know and believe that the courts are truly independent bodies with enforceable decisions and with an effective police force trained to international standards of policing and human rights, only then can there be a guarantee of the rule of law.

UNMIL, in partnership with the national Government, will provide substantive assistance in areas related to the prison system and will centre its efforts on prison reform, training and the development of prison service personnel. That will naturally include monitoring functions to ensure international standards of human rights are protected and ingrained.

A team of correctional system experts will provide assistance, advice and mentoring support to regional institutional and headquarters prison personnel, including administration, human resources and financing and the Ministry of Justice. As with police reform, prison reform will entail co-location and monitoring in the prisons and headquarters with their national counterparts. Also necessary and key to the reform and development of the prison system will be the redevelopment of a national training capacity.

The reform of the criminal justice system will not come cheap. To accomplish those objectives funding of civil institutions is crucial. Therefore, should the Council approve this mandate, I propose to call a conference of potential donors and seek international assistance for the reform and development of civil institutions. Those activities will encompass tasks ranging from basic training for civil servants to the provision of essential equipment and infrastructure. I also intend to seek funding for the salaries of civil servants to bridge the interim period until the Liberian Government is able to collect revenue to support its activities. The prompt payment of salaries is a key element in building professionalism and discouraging public employees from seeking bribes to supplement their incomes.

I have witnessed first hand that Liberia's conflict has resulted in a humanitarian catastrophe, impacting not only on Liberians, but on refugees from Sierra Leone and the Côte d'Ivoire as well.

What I can also state is that emergency programmes are beginning to resurface to help alleviate this crisis. As mentioned in the report of the Secretary-General (S/2003/875) Ms. Carolyn McAskie, Deputy Emergency Relief Coordinator and Humanitarian Envoy for the crisis in Côte d'Ivoire, led the United Nations country team to Monrovia, and non-governmental organizations and the Red Cross are providing emergency interventions, particularly in the food, health, nutrition, water and sanitation, education and protection sectors. Those now engaged in those efforts include the World Food Programme and its partners, the World Health Organization, the United Nations Children's Fund, the United Nations Population Fund and other health agencies. Naturally, the International Committee of the Red Cross and the Office of the United Nations High Commissioner for Refugees have restarted their programmes and are assisting refugees from Sierra Leone and Côte d'Ivoire to return to their places of origin.

In addition, humanitarian agencies began relocating internally displaced persons in Monrovia to the camps in Montserrado County on 11 September. Several thousand internally displaced persons in temporary settlements will be assisted to return to their previous camps, where they will continue to receive assistance and protection. Priority is being given to internally displaced persons occupying school buildings in order to enable children to return to school by mid-October.

In the last few weeks the United Nations Special Humanitarian Coordinator, Mr. Ross Mountain, and I have engaged in negotiations with the authorities in the neighbouring countries, as well as the Liberian parties, to secure their cooperation in facilitating cross-border humanitarian operations to various parts of Liberia. On 12 September, a 15-member inter-agency team including United Nations agencies and non-governmental organizations undertook a three-day mission to Harper, on the southern border with Sierra Leone. The mission, which was undertaken by boat, has paved the way for re-establishing relief programmes in the area and for initiating cross-border activities, particularly for refugees on the Sierra Leone side of the border.

To ensure a coordinated and effective response to humanitarian assistance proper funding is critical. To date donors have been generous in providing start-up resources for life-saving activities, but more is still required to ensure sustainability in all those programmes. I am particularly pleased that a

consolidated inter-agency appeal for 2004 will be launched at the end of the year.

In sum, a well-planned, coordinated and funded humanitarian programme is a crucial requirement in order for sustained development and peace to flourish in Liberia and give its citizens hope for a productive future. The peace process deserves no less.

Allow me to address the issue of human rights. UNMIL, as an integrated mission, will encourage and coordinate international protection efforts and the promotion of human rights in Liberia. I will give priority to the improvement of the human rights situation and the protection of civilians, especially women and children. I assure the Council that human rights protection will include monitoring and public reporting on the current situation in this regard.

(*spoke in French*)

The future of Liberia and its people is currently in the hands of the members of the Council. The role and objectives that I have just presented for a United Nations mission to Liberia require the Council to make available the adequate resources and to express its ongoing support. If we want this mission to be successful, member States must demonstrate their will to give us the mandate and necessary resources to achieve our objectives. At the same time, the Liberian people must recognize and accept their primary responsibility in the development of their country. This operation must be a real partnership enabling Liberia to embark on the right path, never to allow its inhabitants to become the victims of warlords while preventing Liberian territory from being used as a safe haven by those seeking to destabilize the region.

(*spoke in English*)

The people of Liberia deserve better. The international community, in partnership with Liberia, must rise to the challenge. As my Alsatian countryman, Albert Schweitzer, wrote many years ago:

> "We are not free to choose whether we will or will not do the right thing in Africa; we owe it to them. The good that we do is not an act of charity. Indeed, after we have done everything there is in our power to do, we shall have repaid only a small part of the mistakes committed against them in the past."

In sum, we are putting together an outstanding group of United Nations staff members, international civil servants and a credible military force. If the Council gives us the mandate and the tools, I assure you we will do what is just and what is right.

The President: I thank Mr. Klein for that excellent briefing, which augments the report of the Secretary-General.

In accordance with the understanding reached in the Council's prior consultations, I should now like to invite Council members to informal consultations to continue our discussion of the subject.

The meeting rose at 11.10 a.m.

United Nations S/PV.4827

Security Council

Distr.: General
16 September 2003

Original: English

Official communiqué of the 4827th (closed) meeting of the Security Council

Held in private at Headquarters, New York, on Tuesday, 16 September 2003, at 3.10 p.m.

In accordance with rule 55 of the provisional rules of procedure of the Security Council, the following communiqué was issued through the Secretary-General in place of a verbatim record:

"On 16 September 2003, the Security Council, pursuant to resolution 1353 (2001), annex II, sections A and B, held its 4827th meeting in private with the troop-contributing countries to the United Nations Mission in Sierra Leone (UNAMSIL).

"The Security Council and the troop-contributing countries heard a briefing under rule 39 of its provisional rules of procedure by Mr. Hédi Annabi, Assistant Secretary-General for Peacekeeping Operations.

"The members of the Council had a constructive exchange of views with representatives of participating troop-contributing countries."

03-52146 (E) 160903

United Nations S/PV.4828

Security Council

Fifty-eighth year

Provisional

4828th meeting

Tuesday, 16 September 2003, 4.20 p.m.

New York

President:	Sir Emyr Jones Parry	(United Kingdom of Great Britain and Northern Ireland)
Members:	Angola	Mr. Gaspar Martins
	Bulgaria	Mr. Tafrov
	Cameroon	Mr. Banoum
	Chile	Mr. Muñoz
	China	Mr. Wang Guangya
	France	Mr. De La Sablière
	Germany	Mr. Pleuger
	Guinea	Mr. Sow
	Mexico	Mr. Pujalte
	Pakistan	Mr. Akram
	Russian Federation	Mr. Gatilov
	Spain	Mr. Arias
	Syrian Arab Republic	Mr. Mekdad
	United States of America	Mr. Negroponte

Agenda

The situation in the Middle East, including the Palestinian question

Letter dated 12 September 2003 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council (S/2003/880)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

03-52158 (E)

The meeting was called to order at 4.25 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East, including the Palestinian question

Letter dated 12 September 2003 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council (S/2003/880)

The President: The Security Council will now continue its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2003/891, which contains the text of a draft resolution submitted by Pakistan, South Africa, the Sudan and the Syrian Arab Republic.

It is my understanding that the Security Council is ready to proceed to the vote on the draft resolution before it. If I hear no objection, I shall now put the draft resolution to the vote.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:
Angola, Cameroon, Chile, China, France, Guinea, Mexico, Pakistan, Russian Federation, Spain, Syrian Arab Republic.

Against:
United States of America.

Abstaining:
Bulgaria, Germany, United Kingdom of Great Britain and Northern Ireland.

The President: The result of the voting is as follows: 11 votes in favour, 1 against and 3 abstentions. The draft resolution has not been adopted, owing to the negative vote of a permanent member of the Council.

I shall now give the floor to those members of the Council who wish to make statements following the voting.

Mr. Negroponte (United States of America): As we stated yesterday, while all parties have responsibilities in bringing peace to the Middle East, ending terrorism must be the highest priority. The draft resolution put forward today was flawed in that it failed to include the following three elements: a robust condemnation of acts of terrorism; an explicit condemnation of Hamas, the Palestinian Islamic Jihad and the Al-Aqsa Martyrs Brigade as organizations responsible for acts of terrorism; and a call for the dismantlement of infrastructure that supports these terror operations wherever located, consistent with resolution 1373 (2001). This draft resolution did not take a clear stand against the actions of these terrorist groups or call for decisive action against them.

The Palestinian Authority must take action to remove the capability of extremist groups to conduct terrorist outrages. In addition, Israel must move forward and fulfil its obligations and commitments under the road map and the Aqaba summit, including improving the daily lives of Palestinians.

As we said yesterday, we will not support any draft resolution that evades the explicit threat to the Middle East peace process posed by Hamas and other such terrorist groups. The United States opposed the draft resolution, as it failed to do just that.

We note once again that the Government of Israel is already aware of the views of the Council members on the issue of Mr. Arafat. Moreover, Secretary of State Powell stated that the United States does not support either the elimination of Mr. Arafat or his forced exile. While Mr. Arafat is part of the problem, we believe that this problem is best solved through diplomatic isolation, and we have made that view clear.

For its part, the United States, along with Quartet partners, will continue to work towards the implementation of President Bush's vision of a two-State solution to the Israeli-Palestinian conflict, as set forth in the road map.

Our diplomatic personnel, including Secretary of State Powell, Ambassador Wolfe and our missions in the region, are intensively engaged with both parties at the highest levels. We remain committed to the road map as the way forward towards the goal of the Israeli and Palestinian peoples living side by side in peace, security and freedom.

Mr. Tafrov (Bulgaria) (*spoke in French*): Bulgaria abstained in the voting on the draft resolution, as it does whenever there is no unanimity on the

Council or, worse yet — like today, regrettably — there is an impasse.

Given the extremely grave situation in the Middle East, the Council should have made an extra effort to find consensus. Bulgaria appeals yet again to the Palestinian Authority to do all it is called upon to do in the Quartet's road map in order to stop the suicide attacks and all acts of terrorism against Israeli civilians. We also call on the Government of Israel to halt the extrajudicial killings and to renounce its intention to expel President Yasser Arafat, as called for by the Quartet's road map.

Mr. Pleuger (Germany): My delegation is disappointed by the outcome of the voting. This voting sends the wrong signal to the parties and gives rise to the perception of the Security Council as not living up to its responsibilities.

On behalf of my Government, I should like to state that, in abstaining in the voting on the draft resolution, my Government's view with regard to the decision by the Israeli Government in principle to expel the President of the Palestinian Authority, Mr. Arafat, has not changed. My Government continues to hold that the said decision in itself is detrimental to the peace process and that putting the decision into effect would entail the risk of further destabilization.

We therefore once again call on the Israeli Government to revoke its decision and reiterate the importance of both parties exercising utmost restraint at this crucial time for the Middle East peace process. In our view, all efforts now should, more than ever before, be directed at returning to the road map, implementing it in good faith and strengthening the Quartet.

Mr. Akram (Pakistan): Pakistan sponsored and voted in favour of the draft resolution in document S/2003/891. We did so because we believed that it was important to send a message to all concerned that any contemplated act of deportation of Mr. Arafat would be illegal and inconsistent with the objectives of the Middle East peace process. This message, clearly, was transmitted yesterday in the open debate held by the Council, with the participation of the wider membership of the United Nations.

This draft resolution enjoyed the broad support of the non-aligned members and was sponsored by the Arab Group. The vote we have taken reflects the fact that it also enjoyed the support of the majority of the members of the Security Council. My delegation regrets that it was not possible for the Security Council to move forward in a united way. This will have implications for our actions in other areas. Several Council members tried up to the last minute to evolve a text that would be acceptable to all sides. We thank all those delegations that took part in these good faith efforts.

Let me take this opportunity to reaffirm Pakistan's opposition to terrorism in all forms and manifestations anywhere in the world. This includes State terrorism. At the same time, as stated by the Secretary-General during the ministerial meeting of the Council on 20 January this year, the issue of terrorism should not be used "to demonize political opponents" (S/PV.4688, p. 3) and to "delegitimize legitimate political grievances" (ibid.). The Secretary-General also noted that

> "States fighting various forms of unrest or insurgency are finding it tempting to abandon the slow, difficult but sometimes necessary processes of political negotiation for the deceptively easy option of military action" (ibid.).

The Secretary-General advised us all to

> "act with determination to address — indeed, solve — the political disputes and longstanding conflicts that underlie, fuel and generate support for terrorism" (ibid.).

It is unfortunate that, rather than heeding the Secretary-General's call, the States which were being addressed are suppressing the right of peoples to self-determination in the Middle East and South Asia and are now joining together in what is advertised as an alliance against terrorism, but what is more likely to emerge as an axis of oppression.

We would strongly urge the Government of Israel, rather than resort to extreme actions, such as deportation or worse for Mr. Yasser Arafat, the President of Palestine, to join in concerted action to assist the Palestinian people in regaining their rights and to facilitate the end of their dispossession. They deserve to exercise the right of self-determination promised to them by the Security Council. The international community has a clear responsibility to realize this as well.

Another unambiguous message that emerged from yesterday's debate is the need for the parties to rededicate themselves to the Quartet's road map and to commence its implementation in good faith. We hope that the parties will take cognizance of the desire and determination of the international community.

For its part, Pakistan will continue to support every effort that takes us closer to the fulfilment of the vision of two States, Israel and Palestine, living in the holy land in peace with each other and with an end, finally, to the epic tragedy of Palestine.

Mr. De La Sablière (France) (spoke in French): France voted in favour of the text submitted to a vote, which seems to us to reflect the general message expressed yesterday in the open debate. Violence and terrorism must end. The decision to expel President Arafat is against the law, politically counterproductive and should not be implemented. The road map is the best path possible and should be fully implemented by both parties. The Quartet must pursue and intensify its efforts.

We should have liked the Council to achieve consensus on such a message. We regret the outcome of the voting. It is a seriously counterproductive result.

Mr. Muñoz (Chile) (*spoke in Spanish*): My delegation voted in favour of the draft resolution because it reflected our views. The Government of Chile unequivocally condemned the Government of Israel's announcement with regard to the removal from the occupied territories of the President of the Palestinian National Authority. Such an action would not contribute to the achievement of peace in the Middle East and would go against the dignity of a people and its Authority — an Authority that was legitimately established on the basis of a democratic process.

We would have preferred a consensus resolution. The non-approval of the draft resolution did not, however, prevent our voting in favour of it. But we fear that this situation will not be helpful to the political process in the Middle East or to the implementation of the road map. Nonetheless, we believe that all necessary efforts must be made to return to peace negotiations within the framework of international law, in strict compliance with United Nations resolutions and with the commitments solemnly undertaken at the Aqaba Summit for the effective implementation of the road map of the Madrid Quartet.

This afternoon's developments, however, are not a cause for optimism. We must now think about the need for perseverance and patience so that we can again, perhaps, take up our efforts for peace that the people of Palestine and Israel deserve.

Mr. Mekdad (Syrian Arab Republic) (*spoke in Arabic*): It is regrettable that, despite all of the efforts of the Arab Group in general and of the Syrian delegation in particular, and notwithstanding the flexibility and patience that we have shown in the past few days, we have not been able to achieve the desired result. We were not able to do so in spite of the fact that the draft resolution, which was supported by the Non-Aligned Movement, was extremely balanced. We wish to emphasize in this respect that the wording used in most of the paragraphs of the draft resolution was inspired by the language of earlier resolutions that were adopted by the Security Council, given the evolution of the situation in the occupied Palestinian territories.

The fact that the delegation of the United States used its veto is greatly to be regretted. International law is being threatened, and the fact that that veto did not allow the Security Council to carry out its functions with respect to an issue of international peace and security is regrettable. That will only further complicate an already complex situation in the Middle East and have a negative impact on the general situation there.

We made every effort to reflect the discussions that took place, as well as the dynamic that we have observed in the international community with a view to halting Israeli actions, stopping the destruction that has been taking place in the past few years and putting an end to the deaths, which now number thousands. Israel has also tried to expel the Palestinian people from their land and to build settlements on Palestinian territory. Recently, Israel threatened to kill or to expel the Palestinian President. That is contrary to the principles of international law, the United Nations Charter and, in particular, the Fourth Geneva Convention.

Despite the fact that the draft resolution was not adopted, during deliberations yesterday the Security Council stated that it rejected the actions and policies of Israel. Syria therefore believes that Israel bears the responsibility for its illogical policy and that Israel is also responsible for having scuttled the peace process in the Middle East, as well as for all of the consequences that flow from that policy.

I would like to express our gratitude and appreciation to those States members of the Council that supported the draft resolution and voted in favour of it. We would also like to note that Syria's commitment, within the United Nations, to resolve all of the problems that we are confronting today, particularly in the Middle East, remains steadfast. Our people look forward to the day when a just and comprehensive peace will reign in the Middle East, and when the occupied Palestinian lands, as well as those in Syria and Lebanon, will be returned to their rightful owners in accordance with resolutions 242 (1967) and 338 (1973), and in conformity with the Madrid terms of reference, the principle of land for peace and the resolutions adopted at the Beirut Arab Summit of 2001.

Mr. Arias (Spain) (*spoke in Spanish*): The result of the vote was very disappointing. The Council had to send a clear message with regard to the announcement regarding the possible expulsion of the leader of the Palestinian National Authority — an action that not only would have no legal basis but, as all members of the Council know, would also be an enormous political error that could have very serious consequences.

My delegation has always spoken out against all acts of terrorism; nothing can justify such acts. Clearly there was room for improvement in the draft resolution in that respect, although the operative part did include a demand for an end to all acts of terrorism. Furthermore, it expressed fully its support for the efforts of the Quartet. It was necessary to give a clear, unambiguous and unanimous message about the mistake that expelling the leader of the Palestinian Authority would represent. I therefore regret that the Council was unable to find unanimity on that issue.

The President: I shall now make a statement in my capacity as the representative of the United Kingdom.

The United Kingdom has repeatedly made clear to the Israeli Government that expelling or harming President Arafat would be wrong and counterproductive. Israel should not allow its justified anger at the continuing violence to lead to actions that would undermine both the peace process and Israel's own interests.

The United Kingdom believes that the road map remains valid and that today it is even more important that it be pursued. We urge the parties, in conjunction with the members of the Quartet, to work for its full and rapid implementation. The United Kingdom remains ready to assist with the implementation of the road map.

The road map is comprehensive, but some elements seem particularly relevant, given recent events. In phase one, the road map calls on the Palestinians to undertake visible efforts on the ground to arrest, disrupt and restrain individuals and groups conducting and planning violent attacks on Israelis anywhere. That is still valid and ever more pressing.

In the same vein, the road map calls on Israel to take no actions undermining trust, including deportations, attacks on civilians, confiscation and/or demolition of Palestinian homes and property as a punitive measure or to facilitate Israeli construction, destruction of Palestinian institutions and infrastructure and other measures specified in the work plan. Again, it seems very relevant to where we find ourselves today. I therefore agree with Mr. Roed-Larsen, who yesterday said that bold parallel steps were needed.

The United Kingdom considers that the text before us was insufficiently balanced and therefore unhelpful in the context of implementing the road map. As the sponsors of the resolution felt unable to accommodate United Kingdom amendments intended to achieve a better balance, the United Kingdom abstained in the vote on the text. We regret, however, that a balanced resolution failed to pass, and we urge Israel not to misunderstand the international community's unanimous rejection of their decision in principle to remove President Arafat from the Palestinian areas. Both parties should understand that the international community wants the full, urgent implementation of the road map.

I now resume my function as President of the Council.

I remind the Council that, in accordance with the decision taken at the 4824th meeting of the Council, on 15 September 2003, I invite the Permanent Observer of Palestine to take a seat at the Council table.

At the invitation of the President, Mr. Al-Kidwa (Palestine) took a seat at the Council table.

The President: In accordance with the decision taken at that same meeting, on 15 September 2003, I invite the representative of Israel to take a seat at the Council table.

At the invitation of the President, Mr. Gillerman (Israel) took a seat at the Council table.

The President: I now call on the Permanent Observer of Palestine.

Mr. Al-Kidwa (Palestine) (*spoke in Arabic*): For the record, during the years that I have worked here I have never seen the Security Council invite us to sit at the Council table while an specific issue is being deliberated. Then the Council decided to conduct the vote in our absence. I do not know the reason for that, but I understand that that has not been the usual practice at any previous meetings.

We, with the Arab Group, co-sponsored a draft resolution that was very moderate. We thought that it would be adopted and would have broad support, amounting to 14 votes. However, in light of what we have been told or has been stated publicly by Member States, I would like to assure the Council that the United States delegation did not declare that it would use its veto power. It did not inform us, a Permanent Observer Mission, of that, not even as a courtesy. Therefore, that delegation did not make any direct proposals for amendments and did not conduct any discussions with us. That, I believe, raises a question about what has transpired so far.

Generally speaking, it is regrettable that not only has the position of the United States of America been biased in favour of Israel for so many years, but also that it has been transformed into a position that accepts Israeli logic and positions almost completely, to such an extent that it has basically become a heavy, dark shadow over the entire process that does not permit the United States to play an unbiased role in the Arab-Israeli conflict or to act as an honest sponsor of the peace process.

As for President Arafat and the Palestinian leadership, I wish to reiterate that the Palestinian people will not accept outside interference, particularly if the interfering parties are considered unfriendly by our people. The Palestinian people will not accept any interference regarding who is going to be politically isolated or who is going to retain his position.

Serious consequences may follow the use of veto, such as the possibility of wrong interpretation by Mr. Sharon's Government in Israel, and the United States alone will bear the responsibility for that. It is also regrettable that the United Kingdom and Germany chose to abstain in the vote for reasons that remain incomprehensible to us.

I wish to reassure the Council once again that we will not refrain from working with it. We will return to it, perhaps in the near future. We will not be intimidated by what has happened. We are encouraged by the positions of many Council members who have done their best to preserve the role of the Security Council, in keeping with the Charter, and who have attempted to maintain a reasonable, balanced and moderate political position that will be in the interest of the peace process in the region.

Finally, I wish to thank all the Member States that co-sponsored the draft resolution and those who that voted in favour of it.

The President: I would just like to assure the Council as a whole and those watching that the procedure followed by the presidency accords with the advice of the Secretariat and conforms to the established practice of the Council, lest there be any doubt about that.

I now give the floor to the representative of Israel.

Mr. Gillerman (Israel): I would first like to congratulate you, Sir, on the able, efficient and considerate manner in which you handled yesterday's debate and its continuation today.

The draft resolution presented before the Council today for voting was, in our view, tragically lopsided. I would therefore like to commend those countries that did not support it.

I would like to take this opportunity to reiterate a number of points from Israel's perspective. The draft resolution did not focus on terrorism killing innocent men, women and children, killing in the process the hopes for peace. It did not focus on the clear legal responsibility of the Palestinian leadership to dismantle the terrorist infrastructure including confronting groups such as Hamas, the Palestinian Islamic Jihad, the Fatah, Tanzim and others, whose acts of murder lie at the very heart of the problem.

Instead, it focused its criticism on the victims of terrorism and on the response to terrorists rather than on terrorism itself. In a perverse manner, the draft resolution sought to equate the deliberate murder of innocent civilians with targeted counter-terrorism

operations directed against those illegal combatants responsible for murder and for continuing to plan further acts of terror.

The adoption of the draft resolution would have harmed efforts to bolster the peace process. The draft resolution would have come to the defence of a man who has devoted all his energies to scuttling the road map and who continues to cause untold suffering to both Israelis and Palestinians through his support and toleration of terrorism.

To advance the cause of peace, we do not need more one-sided United Nations resolutions. Lord knows we do not need to increase the already unprecedented burden on United Nations time and resources that is expended every single year by pandering to the Palestinian representative's endless partisan initiatives.

What we need is for both sides to commit themselves to the cause of peace and to resolving this dispute through dialogue in an atmosphere free from terrorism, violence and incitement, which, unfortunately and tragically, have been the tool of Mr. Arafat's corrupt leadership for far too long a time.

The President: The Permanent Observer of Palestine would like to respond to what was just said? I think the answer is that you have the right. The floor is yours.

Mr. Al-Kidwa (Palestine): I will speak with my broken English and my bad voice today. I just wanted to remind you that today is the twenty-first anniversary of the massacre of Sabra and Shatila. You remember, that? You remember, Mr. Sharon? Just for the record.

The President: The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 5.10 p.m.

United Nations S/PV.4829

Security Council

Fifty-eighth year

Provisional

4829th meeting

Friday, 19 September 2003, 10.30 a.m.
New York

President:	Sir Emyr Jones Parry	(United Kingdom of Great Britain and Northern Ireland)
Members:	Angola	Mr. Gaspar Martins
	Bulgaria	Mr. Raytchev
	Cameroon	Mr. Tidjani
	Chile	Mr. Muñoz
	China	Mr. Zhang Yishan
	France	Mr. De La Sablière
	Germany	Mr. Von Ungern-Sternberg
	Guinea	Mr. Sow
	Mexico	Mr. Pujalte
	Pakistan	Mr. Akram
	Russian Federation	Mr. Lavrov
	Spain	Ms. Menéndez
	Syrian Arab Republic	Mr. Mekdad
	United States of America	Mr. Cunningham

Agenda

The situation in Sierra Leone

Nineteenth report of the Secretary-General on the United Nations Mission in Sierra Leone (S/2003/863)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

03-52463 (E)

The meeting was called to order at 10.45 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Sierra Leone

Nineteenth report of the Secretary-General on the United Nations Mission in Sierra Leone (S/2003/863)

The President: I should like to inform the Council that I have received a letter from the representative of Sierra Leone in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Rowe (Sierra Leone) took a seat at the Council table.

The President: The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them the report of the Secretary-General on the United Nations Mission in Sierra Leone, document S/2003/863 and Addendum 1.

Members of the Council also have before them document S/2003/895, which contains the text of a draft resolution prepared in the course of the Council's prior consultations.

It is my understanding that the Security Council is ready to proceed to the vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

A vote was taken by a show of hands.

In favour:

Angola, Bulgaria, Cameroon, Chile, China, France, Germany, Guinea, Mexico, Pakistan, Russian Federation, Spain, Syrian Arab Republic, United Kingdom, United States of America

The President: There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1508 (2003).

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 10.50 a.m.

United Nations S/PV.4830

Security Council

Fifty-eighth year

Provisional

4830th meeting

Friday, 19 September 2003, 10.50 a.m.

New York

President:	Sir Emyr Jones Parry	(United Kingdom of Great Britain and Northern Ireland)
Members:	Angola	Mr. Gaspar Martins
	Bulgaria	Mr. Raytchev
	Cameroon	Mr. Tidjani
	Chile	Mr. Muñoz
	China	Mr. Zhang Yishan
	France	Mr. De La Sablière
	Germany	Mr. Von Ungern-Sternberg
	Guinea	Mr. Sow
	Mexico	Mr. Pujalte
	Pakistan	Mr. Akram
	Russian Federation	Mr. Lavrov
	Spain	Ms. Menéndez
	Syrian Arab Republic	Mr. Mekdad
	United States of America	Mr. Cunningham

Agenda

The situation in Liberia

Report of the Secretary-General to the Security Council on Liberia (S/2003/875)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

03-52469 (E)

The meeting was called to order at 10.50 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Liberia

Report of the Secretary-General to the Security Council on Liberia (S/2003/875)

The President: I should like to inform the Council that I have received a letter from the representative of Liberia in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Kawah (Liberia) took a seat at the Council table.

The President: The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

I welcome the presence of the Secretary-General, Mr. Kofi Annan, at this meeting.

Members of the Council have before them the report of the Secretary-General to the Security Council on Liberia, document S/2003/875.

Members of the Council also have before them document S/2003/898, which contains the text of a draft resolution prepared earlier.

It is my understanding that the Security Council is ready to proceed to the vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

A vote was taken by a show of hands.

In favour:

Angola, Bulgaria, Cameroon, Chile, China, France, Germany, Guinea, Mexico, Pakistan, Russian Federation, Spain, Syrian Arab Republic, United Kingdom, United States of America

The President: There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1509 (2003).

The Security Council has thus concluded the present stage of its consideration of the item on its agenda. The Council will remain seized of the matter.

The meeting rose at 10.55 a.m.

United Nations S/PV.4831

Security Council

Fifty-eighth year

Provisional

4831st meeting

Friday, 19 September 2003, 10.55 a.m.

New York

President:	Sir Emyr Jones Parry	(United Kingdom of Great Britain and Northern Ireland)
Members:	Angola	Mr. Gaspar Martins
	Bulgaria	Mr. Tafrov
	Cameroon	Mr. Tidjani
	Chile	Mr. Muñoz
	China	Mr. Zhang Yishan
	France	Mr. De La Sablière
	Germany	Mr. Von Ungern-Sternberg
	Guinea	Mr. Sow
	Mexico	Mr. Pujalte
	Pakistan	Mr. Akram
	Russian Federation	Mr. Lavrov
	Spain	Ms. Menéndez
	Syrian Arab Republic	Mr. Mekdad
	United States of America	Mr. Cunningham

Agenda

Consideration of the draft report of the Security Council to the General Assembly

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

03-52475 (E)

The meeting was called to order at 10.55 a.m.

Adoption of the agenda

The agenda was adopted.

Consideration of the draft report of the Security Council to the General Assembly

The President: The Security Council will now proceed to the consideration of its annual report to the General Assembly, the draft of which has been prepared by the Secretariat.

Members of the Council have before them the draft report of the Security Council to the General Assembly for the period from 1 August 2002 to 31 July 2003, as circulated by the Assistant Secretary-General for Political Affairs on 8 August 2003, and a corrigendum thereto.

I should like to express appreciation to the Secretariat for the work it has undertaken in preparing this factual report and in a timely manner.

I now call on the Director of the Security Council Affairs Division to make an explanatory statement.

Mr. Stephanides (Director of the Security Council Affairs Division): The draft annual report of the Security Council for the period 1 August 2002 to 31 July 2003, to be submitted to the General Assembly in pursuance of Article 24, paragraph 3, of the United Nations Charter, has been prepared by the Secretariat in line with the revised format agreed upon by the Security Council in 2002.

The format of the draft report before the Council provides a guide to the activities of the Council in a concise manner. In this connection, I should like to note that this is the second report prepared in accordance with the provisions of the note by the President of the Council of 22 May 2002 (S/2002/199), which were aimed at enhancing the quality of the report and accommodating the views expressed on the previous format.

Of particular interest is the introduction to the report, which contains an analytical summary of the work of the Council for the period covered by the report.

A note containing changes requested by two Council members and deletions and additions made by the Secretariat is also before the Council.

The President: May I take it that the draft report, as corrected, is adopted by the Council?

There being no objection, it is so decided.

This decision will be reflected in a note by the President of the Security Council, to be issued as document S/2003/893. The note reads as follows:

> "At its 4831st meeting, held on 19 September 2003, the Security Council considered its draft report to the General Assembly covering the period from 1 August 2002 to 31 July 2003. The Security Council adopted the draft report without a vote."

The Security Council has thus concluded its consideration of the item on its agenda.

The meeting rose at 11 a.m.

United Nations S/PV.4831/Corr.1

Security Council

Fifty-eighth year

Provisional

4831st meeting

Friday, 19 September 2003, 10.55 a.m.
New York

Corrigendum

Third-to-last paragraph, first sentence

For document S/2003/893 *read* document S/2003/901.

03-52749 (E)

United Nations S/PV.4832

Security Council

Distr.: General
22 September 2003

Original: English

Official communiqué of the 4832nd (closed) meeting of the Security Council

Held in private at Headquarters, New York, on Monday, 22 September 2002, at 11 a.m.

In accordance with rule 55 of the provisional rules of procedure of the Security Council, the following communiqué was issued through the Secretary-General in place of a verbatim record:

"At its 4832nd meeting, held in private on 22 September 2003, the Security Council considered the item entitled 'The situation in Burundi'.

"His Excellency Mr. Domitien Ndayizeye, President of the Republic of Burundi, was invited, in response to his request, to participate in the discussion, in accordance with rule 37 of the Council's provisional rules of procedure.

"The Council extended an invitation under rule 39 of the Council's provisional rules of procedure to His Excellency Mr. Alpha Omar Konaré, Chairperson of the Commission of the African Union.

"The Security Council heard statements by His Excellency President Domitien Ndayizeye and His Excellency Mr. Alpha Omar Konaré.

"Members of the Council, President Ndayizeye and Mr. Konaré had a constructive exchange of views."

03-52702 (E) 220903

United Nations S/PV.4833

Security Council

Fifty-eighth year

Provisional

4833rd meeting

Wednesday, 24 September 2003, 9 a.m.

New York

President:	Mr. Jack Straw	(United Kingdom of Great Britain and Northern Ireland)
Members:	Angola	Mr. Gaspar Martins
	Bulgaria	Mr. Passy
	Cameroon	Mr. Belinga-Eboutou
	Chile	Ms. Alvear Valenzuela
	China	Mr. Li Zhaoxing
	France	Mr. Galouzeau de Villepin
	Germany	Mr. Pleuger
	Guinea	Mr. Fall
	Mexico	Mr. Derbez
	Pakistan	Mr. Kasuri
	Russian Federation	Mr. Ivanov
	Spain	Mr. Palacio
	Syrian Arab Republic	Mr. Al-Shara'
	United States of America	Mr. Cunningham

Agenda

Justice and the Rule of Law: the United Nations role.

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03-52999 (E)

The meeting was called to order at 9.15 a.m.

Adoption of the agenda

The agenda was adopted.

Justice and the Rule of Law: the United Nations role

The President: Before we go on to the item on the agenda I would like to tell members of the Council that because of other business as President of the Security Council, I shall have to be vacating the chair at about 10.20, and my colleague Hillary Benn, Minister in the Department of International Development, will be taking it for that short period.

The Security Council will now begin its consideration of the item on its agenda.

Justice and the rule of law are vital for the proper functioning of States. They are essential elements in creating and sustaining stable, peaceful and democratic States, so our theme today is important and fundamental.

The United Nations and this Council have long wrestled with the challenges of bringing countries out of conflict and into societies based on justice and the rule of law. The United Nations family as a whole has much expertise and experience on these issues. The debate is therefore an opportunity to affirm again the central importance of the rule of law and justice in the work of the United Nations. It is also, I hope, the start of a process. On 30 September there will be an open meeting of the Council, and that will be followed by further meetings, which we hope will involve the wider United Nations family.

In sharing and learning from experience, our aim in the presidency is practical. How can the international community be better prepared to support States coming out of conflict? Can we anticipate better, and in an integrated way, the need to make laws, to establish judiciaries and to police and implement laws so that we can maximize the chances of States succeeding in their transformation to justice and stability? I invite my colleagues here today to offer their comments and analyses of what the Council has achieved in the past and to offer thoughts and advice on how the Council and the wider United Nations system should address these issues in the future.

In view of the demanding schedule of all participants, I should like to remind Council members of the understanding reached among ourselves to limit our statements to eight minutes each. I thank you very much for your understanding and support on that.

I give the floor to the Secretary-General, His Excellency Mr. Kofi Annan.

The Secretary-General: This Council has a very heavy responsibility to promote justice and the rule of law in its efforts to maintain international peace and security. This applies both internationally and in rebuilding shattered societies. It is the latter that I wish to speak about today.

The United Nations, through many complex operations, has learned that the rule of law is not a luxury and that justice is not a side issue. We have seen people lose faith in a peace process when they do not feel safe from crime, or secure in returning to their homes, or able to start rebuilding the elements of a normal life, or confident that the injustices of the past will be addressed. We have seen that without credible machinery to enforce the law and resolve disputes, people resort to violent or illegal means. And we have seen that elections held when the rule of law is too fragile seldom lead to lasting democratic governance.

In addressing these issues, sensitive questions are involved — questions of sovereignty, tradition and security, justice and reconciliation. The task is not simply technically difficult. It is politically delicate. It requires us to facilitate the national formulation and implementation of an agenda to address these issues, to cultivate the political will and leadership for that task and to build a wide constituency for the process.

Last year, we assembled a Task Force on the Rule of Law in Peace Operations. Its final report showed the real breadth of United Nations experience and expertise in this field. But it also demonstrated that we need to do much more.

We must take a comprehensive approach to justice and the rule of law. It should encompass the entire criminal justice chain — not just police, but lawyers, prosecutors, judges and prison officers, as well as many issues beyond the criminal justice system. We must make better use of the resources we have. We have taken steps in-house to help all agencies work together so that we can identify issues of justice and the rule of law in our reports to this Council. I hope that will lead to improved decisions by the Council and

better action in the field so that justice and rule of law components are integral parts of peace operations.

We need more resources, of many kinds. The best mandates will get us nowhere without early, adequate and coordinated funding. We also need high-quality personnel — women as well as men — who can be deployed quickly. We may have to reach outside the United Nations system to fill in gaps or make up for shortfalls in our expertise.

We must base United Nations actions in this area in the Charter, in United Nations standards for human rights and the administration of justice and in the principles of international humanitarian law, human rights law, refugee law and criminal law.

But a one-size-fits-all approach does not work. Local actors must be involved from the start — local justice sector officials and experts from government, civil society and the private sector. We should, wherever possible, guide rather than direct, and reinforce rather than replace. The aim must be to leave behind strong local institutions when we depart.

Have we taken these lessons to heart? Liberia will be the test case. The Council has responded to my recommendations by incorporating important rule of law components in authorizing the deployment of the United Nations Mission in Liberia (UNMIL). I hope that rule of law issues will retain their importance through the budgeting and deployment process, and I hope that the Council will build on this approach in the future in addressing other post-conflict situations.

Let me say a few words about the question of justice for victims of past crimes.

Ending the climate of impunity is vital to restoring public confidence and building international support to implement peace agreements. At the same time, we should remember that the process of achieving justice for victims may take many years, and it must not come at the expense of the more immediate need to establish the rule of law on the ground.

Transitional justice mechanisms need to concentrate not only on individual responsibility for serious crimes, but also on the need to achieve national reconciliation. We need to tailor criminal justice mechanisms to meet the needs of victims and victim societies. If necessary, we should supplement courts with mechanisms such as truth and reconciliation commissions.

At times, the goals of justice and reconciliation compete with each other. Each society needs to form a view about how to strike the right balance between them. Nevertheless, in striking that balance, certain international standards must be adhered to. There should be no amnesties for war crimes, genocide, crimes against humanity or other serious violations of international human rights and humanitarian law. The rights of the accused should be scrupulously protected.

We should know that there cannot be real peace without justice, yet the relentless pursuit of justice may sometimes be an obstacle to peace. If we insist, at all times and in all places, on punishing those who are guilty of extreme violations of human rights, it may be difficult or even impossible to stop the bloodshed and save innocent civilians. If we always and everywhere insist on uncompromising standards of justice, a delicate peace may not survive. But equally, if we ignore the demands of justice simply to secure agreement, the, foundations of that agreement will be fragile, and we will set bad precedents.

There are no easy answers to such moral, legal and philosophical dilemmas. At times, we may need to accept something less than full or perfect justice or to devise intermediate solutions such as truth and reconciliation commissions. We may need to put off the day when the guilty are brought to trial. At other times, we may need to accept, in the short-term, a degree of risk to peace in the hope that in the long-term peace will be more securely guaranteed.

These are delicate problems for the United Nations to handle when it is involved in peace negotiations. Since 1999 I have given my envoys guidelines to assist them in such negotiations. They also present difficult dilemmas for this Council. In each case, the Council must attempt to balance the demands of peace and justice, conscious that they often compete and aware that there may be times when they cannot fully be reconciled.

We have learned that the rule of law delayed is lasting peace denied and that justice is a handmaiden of true peace. Implementing these lessons is a tremendous challenge. I have today offered a few reflections on how we might meet that challenge. But I would also be prepared to make a further contribution to the deliberations of the Council on this issue. Above all, I hope that today's meeting heralds a new commitment from the Council to place issues of justice and the rule

of law at the heart of its work in rebuilding war-torn countries.

The President: I thank the Secretary-General for his important statement.

I now call on His Excellency Mr. Khurshid Mehmud Kasuri, Minister for Foreign Affairs of Pakistan.

Mr. Kasuri (Pakistan): At the very outset, I would like to congratulate you, Mr. President, on your assumption of the presidency of the Security Council. I also wish to thank you for your timely initiative in organizing today's ministerial meeting. The issue of justice and the rule of law is both important and most relevant to the work of the United Nations and the Security Council. We would also like to thank the Secretary-General for his important contribution, which highlights the expertise within the United Nations system that will stand us in good stead in the future.

The quest to define and, subsequently, to implement justice and the rule of law has been central to the march of civilization. It is critical to the realization of social and economic justice, and for the implementation of political, economic, cultural, religious and environmental rights. Establishing the principles of justice and the rule of law is essential to the establishment and maintenance of order at the inter-State and intra-State levels. Faithful application of those principles strengthens the system, while failure entails serious, and often tragic, consequences.

The relevance of justice and the rule of law for international peace and security is also self-evident. Situations posing a threat to international peace and security must be dealt with by the United Nations, and primarily by the Security Council, in line with the principles enshrined in the Charter of the United Nations. In particular, the use of force should be consistent with the Charter's principles relating to collective security.

The framers of the Charter placed the pacific settlement of disputes ahead of enforcement measures. In our quest for justice and the rule of law at the international level, we must respect the framers' intent and fully operationalize the mechanisms provided for the peaceful settlement of international disputes. The resolutions and decisions of the Security Council must also be implemented uniformly and without discrimination — and also with equal force, irrespective of their falling within Chapter VI or Chapter VII. Selective implementation creates an unjust environment, deepening conflicts and compounding the suffering of people. It erodes confidence in the system and undermines the credibility of the United Nations.

We must also ensure consistent application of international human rights and humanitarian law and all the provisions of the Geneva Conventions. The international tribunals set up by the Security Council are playing an important role. They have shown that, within their scope, no one is above or beyond the reach of international law. We stress that impunity for serious crimes against humanity, including genocide, must come to an end. Responsibility for such violations must go up the chain of command. Appropriate mechanisms should be created towards that end. The international community set new standards in dealing with the violators of international humanitarian law in Bosnia. Those standards must be applied equally to other conflict situations, especially where people are under occupation and alien domination.

The situation in occupied Jammu and Kashmir is a case in point calling for the urgent attention of the international community. Over the past 13 years, more than 80,000 Kashmiris have been killed, and thousands have been wounded, by Indian security forces. There are innumerable cases of torture, rape and extra-judicial killing. No one has ever been prosecuted in a real manner, despite the fact that such crimes have been extensively documented by international human rights organizations. Justice for the people of occupied Kashmir requires an end to impunity for these crimes, and their resolution, through the realization of the Security Council-mandated right of self-determination. We are all familiar with the dictum, If you want peace, work for justice. That applies, in great measure, to the situations in Kashmir and Palestine.

The Security Council has in recent years contributed to various aspects of justice and the rule of law. That is reflected in the measures and norms instituted for the protection of civilians in armed conflict, the disarmament, demobilization, reintegration programmes that have been established within the context of peacekeeping operations, and the strengthening of international criminal justice. The Council and the international system must continue to build upon those efforts.

Justice and the rule of law play a crucial role in societies emerging from conflict. In that context, financing reconstruction processes is a critical area where much more needs to be done. The need for rebuilding national institutions and the necessary infrastructure cannot be overstated, such as was the case in Afghanistan and, now, in Iraq. Generous international assistance and expertise should not only be committed, but also fully delivered, to post-conflict societies to create new legal and constitutional frameworks and security and judicial structures, as well as to refurbish law-enforcement capacities. The failure to provide such financial and technical support can unravel efforts for the restoration of peace and security, and even cause a relapse into conflict.

The desired objectives in conflict and post-conflict situations can be significantly advanced with greater coordination within the United Nations system — in particular among major organs such as the Security Council and the Economic and Social Council — and by taking into account the judgements and advisory opinions of the International Court of Justice. Pakistan has already proposed the establishment of ad hoc composite committees to address the complex crises in the African continent in their political, economic and social dimensions. Consideration should also be given to the creation of a separate unit to assist post-conflict States in the re-construction of their judicial systems.

In conclusion, I would like to say that the commitment we make to strengthen and advance the international rule of law will be a lasting legacy for future generations. Today's discussion advances our dialogue on that essential need of humankind. We have no doubt that the Council will continue to follow this subject with the commitment and seriousness that it deserves.

The President: I think the representative of Pakistan for his kind words addressed to me.

I now call on His Excellency Mr. Igor Ivanov, Minister for Foreign Affairs of the Russian Federation.

Mr. Ivanov (Russian Federation) (*spoke in Russian*): The theme of today's discussion is a relevant one in the context of the activities of the Security Council in particular, and in that of the Organization in general. Ensuring the rule of law and justice is a crucial tool to promote the prevention and settlement of regional conflicts. In the context of peacekeeping and post-conflict resolution, issues of justice and the rule of law cannot be considered in isolation from the more general problem of ensuring the rule of law in international relations. We are certain that without asserting the primacy of law in international relations, we will be doomed to an endless and fruitless consideration of the issues of the prevention and settlement of conflicts. Russia believes that the principle of the rule of law is an imperative for the entire system of international relations.

Moreover, despite all the complexities of the current international situation at the dawn of the twenty-first century, favourable conditions have been established to bring all States together on the basis of that fundamental principle to address new threats and challenges. In order for that to become a reality, however, all members of the international community — irrespective of their political, military or economic might — must recognize that realizing their individual interests will ultimately not be possible without upholding the collective interests of the entire international community. Clearly, the key role in this respect must be played by the United Nations and its Security Council, which bear primary responsibility for the maintenance of international peace and security and for the prevention and settlement of conflicts.

In addressing the issue of the rule of law and the role of the United Nations in the context of peacekeeping, I should like to draw the attention of the Security Council to the following points.

For Russia, the basic principles and criteria of United Nations peacekeeping activities remain fundamental. We believe that joint efforts must be made to ensure that the legal bases for peacekeeping are strengthened, in accordance with the Charter of the United Nations and the decisions of the Security Council. This would represent a genuine alternative to unilateral approaches to resolving crisis situations around the world.

Russia looks forward to constructive cooperation in the task of perfecting peacekeeping and post-conflict settlement mechanisms under which the peacekeeping component would be effectively combined with the work of the social, economic and humanitarian structures of the United Nations system.

The broad range of relevant tasks, comprising the mandates of multifunctional operations, also includes assisting States in restoring or strengthening organs of

justice and law enforcement. Work aimed at perfecting the justice system is not restricted to the purview of the Security Council but has a bearing also on the activities of many of the institutions of the United Nations as well as other international and regional structures in this area. There must be smooth coordination and close interaction among them, and the Council should provide them with considerable political support.

The role of law and legality at the stage of post-conflict peace-building cannot be overestimated, given that compliance in this respect ultimately determines the legitimacy of the new Government and the effectiveness of the work of all State bodies, and also ensures citizens' rights and freedoms.

Strategies involving United Nations assistance in the reconstruction of the judicial and law-enforcement structures of countries emerging from crisis must be aimed at the smooth transfer of functions in these areas to the legitimate national bodies of State Government as they are formed and as the security situation normalizes. It is precisely such tasks that, over a number of years, the international community has been addressing, with the active role of the United Nations in Bosnia and Kosovo, and today these tasks are on the agenda in Afghanistan and Iraq.

It is essential here carefully to reconcile international assistance measures with the specifics of the situation in each individual case and to take into account national particularities and the status of local judicial systems. The main point here is that this kind of work by United Nations structures should be conducted in strict accordance with the decisions of the Security Council and that it must preclude any arbitrary or broader interpretation of those decisions, which could have negative consequences for the success of peacekeeping efforts and for the credibility of the United Nations in general.

In the context of asserting international standards of legality in post-conflict States, favourable conditions must be established in order to ensure human rights and to bring to justice persons who are guilty of war crimes, crimes against humanity or genocide. Here, the experience of the United Nations in cooperating with States in the establishment of special courts may prove useful. Due use, of course, should also be made of the potential of the International Criminal Court.

In the Millennium Declaration, adopted by the General Assembly, States expressed their intention to strengthen respect for the principle of the rule of law, both in international and in domestic affairs. Today's Council meeting must become an important step towards implementation of this aim. In this regard, we wish to reaffirm Russia's principled support for United Nations actions aimed at ensuring that the primacy of the rule of law is the basis for the comprehensive settlement of conflict situations and for the perfecting of Security Council mandates to conduct peacekeeping operations, as well as for United Nations peacekeeping activities in general.

The President: I thank the representative of the Russian Federation for the kind words he addressed to me.

I now give the floor to His Excellency Mr. Dominique Galouzeau de Villepin, Minister for Foreign Affairs of France.

Mr. Galouzeau de Villepin (France) (*spoke in French*): Justice and the rule of law are emerging as the cornerstones of building peace and democracy. They lie at the heart of United Nations action. That is why I am pleased that our debate today focuses on this question, and I thank the United Kingdom for its initiative.

The defence of justice and the building of the rule of law are central to the United Nations mission of peace. The United Nations, by its universal vocation, promotes the many aspects of the rule of law. One fact has to be recognized: restoring peace does not mean just silencing the weapons of war through the use of force. It is also about protecting persecuted minorities in Timor or Kosovo; assisting victims who have been humiliated to the core; enforcing respect for human rights in Liberia and in the Democratic Republic of the Congo; freeing repressed aspirations to democracy in Cambodia; solidifying fragile national institutions and restoring life to democratic citizenship in Haiti; offering nations weakened by war the means to recover their political sovereignty through the establishment of a constitutional process, as in Afghanistan; and setting up an independent and effective police force and judicial system in Bosnia and Herzegovina.

To pursue these objectives, the United Nations system has developed a whole range of resources adapted to each situation: special representatives, Blue Helmets, police, United Nations Development Programme experts, High Commissioner for Human Rights personnel, United Nations Children's Fund

(UNICEF) staff, international judges, civilian executives, electoral observers and so on.

I would like to pay a solemn tribute to all of them. I am thinking in particular of Sergio Vieira de Mello, of his courage and dedication to peace, from Cambodia to Iraq. He knew better than anyone that building a State based on the rule of law is a difficult and challenging task.

I will mention two challenges.

The first challenge is to reconcile, on the one hand, the promotion of the universal values of democracy and human rights with, on the other, the need to take into account the specific character of each society, its culture and identity. The rule of law is not an abstract concept. Aside from the juridical rules it implies, it presumes a practice, a state of mind which are subject to learning and gradual ownership, according to each situation. A model is learned, not imposed. The United Nations must make no mistake in the course to be taken.

The second challenge is to ensure that justice and the values of peace prevail wherever crime and arbitrary acts have sown terror and hatred. This is what led the Security Council to create the international criminal tribunals. In the ongoing, difficult quest to achieve a balance, the International Criminal Court represents a major stride forward. The Court is not directed against any country. It does not represent the justice of the victors, but is a recourse against unlawful or unjust situations. It is not intended to take the place of national courts. It has the advantage of permanence, universality and the scope of its powers. It is the best possible instrument of the primacy of law and justice.

Aside from the force of the verdict, truth and reconciliation commissions can be a useful instrument for reviving the hope of coexistence among neighbouring communities that are still enemies.

Iraq presents all of these challenges. After 30 years of Ba'athist dictatorship and three wars, a lasting stabilization of the country will require more than soldiers and money. For the Iraqis fully to take their destiny in hand once again will require the establishment of the rule of law, which their country has known all too rarely.

The duty of justice will be an important building block in this edifice. The criminals of the former regime must answer for their crimes in order finally to turn the page. But it is equally imperative to place the restoration of sovereignty at the centre of our action and to rally all sectors of the Iraqi population around a mobilizing political project. Only the Iraqi people will be able to find the internal balances it needs. But for that it must be able to count on the solidarity and assistance of the international community embodied foremost by the United Nations.

The importance of what is at stake requires us today to strengthen our Organization and its means. There are many aspects to action to promote the rule of law: legal and political, of course, but also financial, economic and social. That calls for the mobilization and coordination of our efforts. The whole United Nations system must be in the vanguard. Let us improve the coherence of the efforts of its components as a whole, in particular the General Assembly. All the complexity and richness of the democratic process must be harnessed.

Innovative ideas have already been implemented. The Economic and Social Council has established ad hoc groups for strengthening peace in Burundi and Guinea Bissau. The United Nations Development Programme is responsible for disarming and reintegrating former armed combatants, in particular in Afghanistan.

We must go even further, in particular by working to ensure effective coordination on the ground among all the actors of the United Nations system. We must also work to develop synergies with the international financial institutions and regional organizations that have expertise and specific capacities in this field such as the European Union, the Organization for Security and Cooperation in Europe and the Council of Europe.

Finally, the Security Council has an essential role to play. Together, let us seek how to enable the Council better to shoulder its responsibilities and to ensure respect for the values enshrined in the Charter. In order to further improve our action in the area of rule of law, let us ask the Secretariat to carry out a more systematic assessment of the lessons learned. Let us make ready a pluralistic and representative pool of experts in the areas of justice and the rule of law who can be called upon in emergency situations. Let us prepare early warning and observation mechanisms in order to ensure that the support given continues over time with the necessary intensity.

The United Nations has a great capacity for action and considerable experience in the domain of the rule of law. It is up to us to make the most of those faculties and ensure that they bear fruit. More than ever, it is our collective responsibility to work for the effectiveness of efforts to that end and, together with the Secretary-General, collectively to consider concrete directions. France is prepared to take its full part in that mobilization. Together, let us work to advance the objectives of the rule of law wherever justice and solidarity require our common efforts.

The President: I thank the Minister for Foreign Affairs of France for his kind words addressed to me.

I now call on His Excellency Mr. Li Zhaoxing, Minister for Foreign Affairs of China.

Mr. Li Zhaoxing (China) (*spoke in Chinese*): I would like to welcome you, Sir, as the President of today's meeting. I would also like to thank Secretary-General Mr. Kofi Annan for his presence and remarks.

Like peacekeeping, peace-building is of great significance for lasting peace and order in countries and regions afflicted by conflict. Currently, battered social order, shattered rule of law and the absence of protection for the rights of civilians, women and children in particular, are commonplace in areas of conflicts. Guaranteeing an early restoration of the judicial system and the rule of law in order to uphold justice and protect human rights has thus become a necessary condition for post-conflict stability and development. Helping the parties concerned establish and safeguard justice and the rule of law should therefore be given earnest attention in the course of United Nations peacekeeping operations and post-conflict reconstruction. China supports the United Nations in playing an active role in accordance with the needs and actual conditions of the countries concerned.

Achieving peace and stability for post-conflict countries is a systemic endeavour involving many aspects of work. In addition to justice and the rule of law, a broadly representative Government should be established as soon as possible to help bring about national reconciliation and ensure the harmonious coexistence of all ethnic groups. A sound security environment should be created expeditiously to ensure the orderly progress of reconstruction, and the programme of disarmament, demobilization, repatriation, resettlement and reintegration should be carried out without delay to keep arms out of the hands of ex-combatants.

The end of a conflict does not necessarily mean the arrival of peace. Causes of conflicts differ, but more often than not they have a great deal to do with poverty and backwardness. Without development, justice and the rule of law are merely a mirage. There is quite a long way to travel from war to stability and from anarchy to rule of law. Unless people in conflict areas can see hope for a better life and can enjoy real benefits from peace, they might once again be plunged into turbulence and even war. It is a source of concern that some countries and regions, having freed themselves from conflicts, have been bogged down once again in a state of helplessness in the face of economic globalization due to a lack of funds, technology and other conditions required for economic development. The United Nations and the international community need to provide effective assistance to help them take on the challenges of globalization and achieve sustainable development. We strongly urge the international community to give development the key position it deserves in peace-building.

Governing a country requires the rule of law, as does managing international relations. To uphold what is right, defend what is just and observe international obligations is the solemn commitment made by the United Nations to the world's people and is the essence of the United Nations Charter. The answer to bringing about a world of peace, stability, justice and the rule of law lies solely in closer international cooperation, a multilateral approach and democracy and the rule of law in international relations.

The United Nations Charter and other norms governing international relations must be respected and maintained in earnest. As responsible members of the great international family, all countries should take on the challenges they face by acting within the framework of international institutions and in accordance with international law. Of course, we also need to keep pace with the times and further improve and enrich the existing international laws and norms in accordance with changes and developments.

Our goal is to build a better global village where there are no wars or conflicts as all countries live in peace and stability; where there is no poverty or hunger as all the inhabitants enjoy development and dignity; and where there is no discrimination or prejudice and

all peoples and civilizations coexist in harmony, complementing and enriching one other. To achieve all that, we the peoples need a world of democracy and the rule of law, and we need a stronger United Nations. Let us work hand in hand towards that end.

The President: I thank the Minister for Foreign Affairs of China for his kind words addressed to me.

I now give the floor to His Excellency Mr. Luis Ernesto Derbez, Minister for Foreign Affairs of Mexico.

Mr. Derbez (Mexico) (*spoke in Spanish*): Mexico recognizes the valuable initiative by the presidency of the Security Council to discuss and analyse the role of the concepts of justice and the rule of law in the work of the United Nations, in particular the work of the Security Council.

In its work in the United Nations, in particular in the Security Council, Mexico has always favoured the strengthening of the rule of law. In addition, when, as a result of the events of recent years, the Council has debated the scope of the use of force, there has been increased reflection on reform of the Organization as one of the principal items on the agenda. We therefore feel that the present initiative could not have been more timely.

This meeting provides an opportunity for more thorough reflection on what is particularly implicit in the work and decisions of the Security Council throughout the last decade. This has to do with the way the provisions of the Charter have been interpreted and applied.

My Government will take as its base the ideas that you, Sir, suggested for this meeting: the role that justice and the rule of law play in the mandate of the Security Council and their promotion in conflict prevention and post-conflict situations.

That first function necessarily leads to an analysis of the influence those ideas have on the actions taken by the Council. Indeed, we can observe a tendency over the last 14 years in which the focus of the Council's action has shifted from maintaining international peace and security to combating impunity.

While that flexibility may be positive, we must not lose sight of the fact that, in carrying out this process, the Security Council interpreted the Charter's provisions in order to be able to deal with what it, at the time, considered to be threats to international peace and security. Should that tendency continue, we should have clearer rules in keeping with the purposes and principles of the Charter. Under what modalities and what circumstances should the Council act? What degree of proportionality should be observed in its actions with respect to what may be considered a threat to international peace and security? In any case, for the sake of justice and the rule of law, the Security Council must continue to act on the bases of legality that provide support for its mandate.

Mexico believes that we should also highlight the need to make more intensive use of measures for the peaceful settlement of disputes, contemplated in Article 33 of the Charter of the United Nations. They could be used within the framework of a preventive focus by the Security Council in order to peacefully resolve disputes conducive to international friction that might endanger international peace and security.

No provisions exist in the Charter that authorize delegating the powers conferred on the Security Council under Chapter VII to a State or to a group of States. Nevertheless, the Council has delegated those powers through the establishment of multinational forces and has relied on the support of competent regional bodies in carrying out its mandates.

If justice and the rule of law are to play an important role in the Security Council, we should begin by promoting greater clarification of the framework within which it acts. In that connection, the work of codifying the Council's practice and its analysis by the General Assembly could prove to be very useful tools. Similarly, as a complementary part of that aspect, we should highlight the need to achieve greater compliance with the Council's resolutions themselves.

The work of the Security Council in promoting justice and the rule of law in conflict prevention and post-conflict initiatives should be oriented towards two objectives: the reconstruction, the re-establishment of institutions and the national reconciliation of States emerging from conflict; and the strengthening of coordination between the Council and other organs of the United Nations system.

In that connection, it is important to work towards the establishment of institutions that work on judicial responsibility and reparation to victims, incorporating the political and institutional dimensions of the theme of justice and the rule of law. Likewise,

we need to build institutions that will contribute to obtaining reliable information with regard to the facts and whose work will focus on securing the necessary evidence to prosecute those responsible for crimes against humanity. In parallel, we must highlight the need to facilitate States' access to international justice mechanisms.

The establishment of international institutions, such as the International Criminal Court, guarantees objectivity and impartiality in trials conducted against criminal defendants. Its Statute incorporates general principles of law. In addition, it reflects the obligation of any State to bring to justice individuals accused of committing crimes against humanity.

In a stage of transition towards independent national judicial bodies, the Security Council should promote and facilitate the resort to international legal bodies of a permanent nature, avoiding the establishment of ad hoc tribunals every time a situation or conflict arises that threatens international peace and security. That would provide both the international community and post-conflict societies a greater degree of certainty in the quest for justice.

The International Criminal Court is emerging as an affirmation of the common conviction that justice and peace are indispensable for human development. The establishment of a Court of this nature is a lasting contribution to the principal mandate of the United Nations and of the Security Council: the maintenance of international peace and security and the promotion of the rule of law and respect for human rights and fundamental freedoms throughout the world.

Mexico believes that, in the framework of the work carried out by the Security Council — particularly in post-conflict situations — justice and the rule of law, in addition to being a security issue, are a development issue. That fact highlights the need for greater coordination with other organs of the United Nations system, including the General Assembly, to make consolidating the rule of law a genuine strategy of conflict prevention through a framework of access to opportunities, social development and economic growth.

Finally, in the context of this debate, and in the light of the discussions that will take place on 30 September in an open meeting of the Security Council, we believe that it would be advisable to request the Secretary-General to identify proposals made during the discussions and to link the Council's experiences with those of other organs of the United Nations system with regard to action proposals formulated by States. Those would be elements of great value in promoting a coordinated strategy for promoting justice and the rule of law that responds to the ideals of universality and transparency, which are the basis for the very idea of a more just international community.

The President: I thank the Minister for Foreign Affairs of Mexico for his kind words.

I now call on His Excellency Mr. Farouk Al-Shara', Minister for Foreign Affairs of the Syrian Arab Republic.

Mr. Al-Shara' (Syrian Arab Republic) (*spoke in Arabic*): Allow me at the outset, Mr. President, to express our appreciation for your chosen theme for this ministerial meeting, "Justice and the rule of law: the United Nations role". It is difficult to find in this world a clearer example of this theme than in the Middle East region — a region of conflicts and post-conflict situations; a region where the United Nations plays a noble role in its search for solutions to those conflicts. No wonder, then, that the Organization has achieved a new record in the number of resolutions adopted with regard to the region.

Despite the fact that the Charter of the United Nations has sought to ensure a degree of justice and equality in relations among nations, a number of the resolutions adopted by the Security Council have been imposed on some States while not truly imposed on others, to the extent that the meaning of the phrase "double standard" — which is extremely vague - has become much clearer among the ordinary citizens of our region than among those of any other region in the world.

With regard to justice and the rule of law, one may well wonder how one can compel the Palestinians to commit themselves to the rule of law if one chooses to ignore the rights of refugees to return to their homeland and to reclaim their identity, under the pretext that they left their country more than 50 years ago and that their return threatens the existence of democratic Israel, while in fact Israel is the party that threatens their existence every time it grants the right of return to a Jew whose ancestors might have left Palestine 2,000 or more years ago. I do not know why Israel would consider their return a threat to its existence if it truly upheld a democratic system in

theory and in practice. In addition, one would have to be extremely naïve to believe that the number of Israeli civilians killed by defenceless Palestinians under the yoke of occupation outnumbers Palestinian civilians killed by Israel, when everyone knows that the Palestinian people have no army and no military arsenal, unlike Israel.

Now the nagging question is how much longer can Israel succeed in convincing the world that it is the victim while it continues to occupy by force the territories of others, to besiege them, to destroy their homes, to uproot their trees and crops, and to murder their sons, instead of sitting at the negotiating table to restore to the Palestinians the rights that belong to them. Isn't peace throughout history concluded among enemies? Who among us will see the establishment of two States living side by side in peace and security in 2005, if the current situation should continue? We should recall the fact that the Israeli Prime Minister, when asked about his views on a ceasefire, said that a ceasefire should be concluded among the Palestinians themselves, not between Israel and the Palestinians.

Syria has every right to ask here, how can justice be attained, if Israel refuses to turn the Middle East region into a zone free from weapons of mass destruction and when Israel, at this time, owns the largest arsenal of such weapons in the entire region, and when it continues to falsely accuse others of possessing such weapons.

Indeed, it is extremely paradoxical that an occupying Power in Palestine or Iraq requests the assistance of neighbouring States to consecrate its occupation and to help it address security concerns, including the security of its soldiers, and accuses those who do not immediately comply of being rogues, terrorists and a threat to international peace.

It is also regrettable, that in the twenty-first century some think-tanks produce false and misleading information to decision makers, on the basis of which wars are waged outside the context of the United Nations and its resolutions, blood is shed and baseless and unbridled accusations are levelled in deliberate defiance of the values and principles on which our countries have unanimously agreed.

The Syrian Arab Republic, through its membership in the Security Council, has contributed to deepening the understanding of the role of the Security Council and the importance of supporting United Nations peace-building missions as an attempt to assist in reorganizing the various aspects of justice and the rule of law.

The Syrian Arab Republic, as a member of the Special Committee on Peacekeeping Operations, has encouraged the attempt to give the United Nations a primary role in peacekeeping. Syria encourages all Member States to support, financially, the role of our Organization, in order to allow it to undertake its responsibilities in full.

During the remaining period of its membership in the Security Council, Syria will make every necessary effort in this regard, and will always remain faithful to the purposes and principles of the United Nations Charter.

The President: I thank the distinguished Minister for Foreign Affairs of the Syrian Arab Republic for his kind words addressed to me.

I now call on His Excellency Mr. Solomon Passy, the distinguished Minister for Foreign Affairs of Bulgaria.

Mr. Passy (Bulgaria): Let me first of all thank the British Presidency for organizing an open meeting on the important issue of justice and the rule of law. I am convinced that this discussion will contribute to finding answers to a number of fundamental problems in our work.

Let me begin by recalling the words of a man who has made an exceptional contribution to the cause of the rule of law and respect for human rights, Sergio Vieira de Mello. The late United Nations High Commissioner for Human Rights was the Special Representative of the Secretary-General for Kosovo and for East Timor, where the United Nations missions had, for the first time, broad powers in the administration of justice.

Just seven months ago, he made the following statement:

> "We live in a time when many around the world have profound feelings of insecurity and fear ... It may sometimes feel as if we no longer have any stable points of reference to chart our way through the uncertainties of the world. But I am firmly convinced that a comprehensive strategy for security can and must be guided by upholding the rule of law and respecting human rights."

The endorsement of the principle of the rule of law is a key factor for both conflict prevention and settlements between States and for successful post-conflict rehabilitation. Democratic government, the rule of law and respect for human rights play essential roles in preventing internal and international conflicts. Social and political tensions that accumulate in a society where the rule of law does not prevail usually grow into open confrontation and violence. We therefore need to guarantee that the rule of law be considered a priority of the preventive activities within the United Nations system, and that the Security Council treat the violation of this principle as a potential threat to international peace and security.

The effective administration of justice and the rule of law should be taken into account in determining the mandates of the various United Nations operations. In view of the specifics of each mission, the United Nations Security Council could include clear provisions, in its resolutions aimed at coordinating United Nations efforts, that would help restore the rule of law.

The mandate for future operations should include and provide for the rapid setting-up of local civilian administration, law enforcement institutions and effective judiciary institutions. Attaining lasting peace depends largely on building an effective system for the administration of justice in line with international standards.

In post conflict situations, the establishment or reestablishment of the rule of law is a key prerequisite for the success of the entire reconstruction process. This process requires not only the adoption of adequate legislation, but also the setting up of effective institutions for its enforcement. In building or supporting the work of the judiciary of the affected State, United Nations activities should be well coordinated with those of local partners, non-governmental organizations and communities, taking into account special circumstances and local traditions within the sphere of the law.

The lessons we learned through our participation in Afghanistan and Iraq showed that, in order to preserve the trust of the Organization, it is essential to avoid the impression that a foreign order is being imposed. Therefore, Bulgaria will support a new Security Council resolution expanding the United Nations role in Iraq. Our experience in Kosovo and Bosnia and Herzegovina has shown that there are multiple challenges to international efforts to strengthen the rule of law. Those challenges are often political, for example, how best to achieve post-conflict reconciliation while bringing to justice the perpetrators of grave war crimes. Should we look for an agreement on ending hostilities by offering amnesty to those responsible for war crimes and crimes against humanity? Our clear answer is "No, we should not".

Insufficient resources represent another challenge. We need experts with legal and international experience to share that experience with others and provide training of magistrates. It would be wise to consider ways for the United Nations to put together a pool of experts who can provide legal assistance within the framework of the peacekeeping operations.

We welcome the establishment of the International Criminal Court (ICC) as an important step towards countering impunity and guaranteeing respect for the rule of law and justice. We hope that it will become an effective tool in the fight against the worst violations of international criminal and humanitarian law.

May I conclude by proposing that the Security Council strengthen interaction with regional organizations such as the European Union, the North Atlantic Treaty Organization (NATO), the Organization for Security and Cooperation in Europe (OSCE), and the Council of Europe in supporting justice and the rule of law internationally. Bulgaria will certainly do its part in such an endeavour.

The President: I thank the Minister for Foreign Affairs of Bulgaria for his statement and for his kind words addressed to my colleague, Jack Straw.

I now call on the distinguished Minister for Foreign Affairs and Cooperation of Guinea, His Excellency Mr. François Lonsény Fall.

Mr. Fall (Guinea) (*spoke in French*): Sir, let me express to you my delegation's gratitude for the initiative you have taken to hold this open meeting on justice and the rule of law: the role of the United Nations.

Clearly, the notion of justice and the rule of law is today at the very heart of the concerns of the international community. In their quest to create a world ruled by law, States have established among themselves binding norms that confirm the statement

made by Cardinal Richelieu: "Bulls are bound by the horns and peoples by treaties".

This fundamental bond among the peoples of the United Nations is the United Nations Charter. In Articles 1 and 2 of Chapter I, the Charter clearly sets out the Organization's basic aims: the maintenance of international peace and security, the prevention and removal of threats to the peace and the development of friendly relations among nations. It also clearly indicates the principles needed to reach these aims: the sovereign equality of States, the peaceful settlement of disputes and respect for the territorial integrity and independence of every country.

It is in order to achieve those aims that the international community has adopted appropriate instruments for addressing relations among States and for promoting justice, law and security. In a world prey to changes involving violations of all sorts, the role of the United Nations in general and that of the Security Council in particular are increasingly evident.

We believe that strengthening multilateralism in the management of global affairs is an urgent necessity at a time when our Organization is in a particularly delicate moment in its development. Since its creation, the Security Council has concerned itself mostly with resolving conflicts. In many cases, it has been able to end situations of aggravated hostility. Nevertheless, its efforts have at times been compromised by the clear determination of certain parties to exploit international law by violating its fundamental principles.

Beyond its traditional peacekeeping activities, the Security Council must, in the context of conflict management, help to strengthen institutional capacities, particularly in the promotion of human rights and good governance and in improving relations among States. In this undertaking, the organizations of civil society have a key role to play. Experience in this respect can broadly influence future actions of the Security Council. Moreover, experience shows that establishing justice and the rule of law in international relations is a shared endeavour.

This mission calls for a pooling of efforts, both at the domestic level within States and at the subregional and regional levels. The many initiatives of the Economic Community of West African States, whose central role in conflict management is now widely recognized, fall within that approach. Nor can we overlook the primary place of arbitration in the peaceful settlement of disputes between States. The work of the International Court of Justice in this field deserves our attention. Similarly, the entry into force of the Rome Statute and the establishment of the International Criminal Court, which we commend, attest to the international community's commitment to promoting the rule of law.

Can we truly imagine a world of justice, however, without of necessity taking into account the rights and interests of the economically weak countries in the globalization process manifest in today's world economy? Do not poverty, the great pandemics and inequity in the international trading system represent an injustice with respect to developing countries? My country believes that achieving the goals of the Millennium Summit and the necessary reform of United Nations structures is a priority if we are to usher in a world that is more just and united.

At a time when peoples are striving for greater freedoms and to shape their own destinies, world cooperation is necessary. The drafting and codification of international law tailored to the imperatives of globalization are consequent to such cooperation, as is the creation of the conditions necessary for compliance by all countries with their obligations under treaties, conventions and other international agreements.

The international community has a stake in ensuring that the rule of law replaces the law of the jungle in all areas of activity and at all levels of social and political organization. As Secretary-General Kofi Annan has put it so well:

> "Thriving markets and human security go hand in hand; without one, we will not have the other. A world of hunger, poverty and injustice is one in which markets, peace and freedom will never take root." (*E/1999/53, para. 79*)

In conclusion, my delegation wishes to reaffirm its appreciation to the Secretary-General and looks forward to hearing his proposals on creating a high-level group to focus on threats to peace. Such an approach will help us to take appropriate measures to adapt our institutions to the requirements of globalization and the major challenges before the international community. I wish to reaffirm our belief that justice and the rule of law, with a view to preserving peace and security throughout the world, entail the promotion of multilateralism, underpinned by the concept of collective security.

The President: I thank the Minister for Foreign Affairs of Guinea for his kind words addressed to my colleague Jack Straw.

I now call on Her Excellency Ms. Ana Palacio, Minister for Foreign Affairs of Spain.

Ms. Palacio (Spain) (*spoke in Spanish*): It is not mere rhetoric that I begin by joining previous speakers in stressing the timeliness of the British initiative to allow us to address what is undoubtedly a formidable challenge to the international community — doing away with legal vacuums and pockets of lawlessness. The United Nations must prove itself in the fulfilment of what has been its fundamental mission since its foundation on the ashes of a League of Nations that, lacking connection to the real world of its time, became irrelevant.

The primary objective of the United Nations, and especially of the Security Council, is to ensure international peace and security. That goal is inseparable from the existence of a concept of law common to all international society, a body of legal categories basically accepted by all.

All law, in the sense of a legal order, is based on values. There can be no credible prospect for any peace if it is not based on common respect for universal values, which provide in turn the basis for universally accepted norms. The rule of law, as an expression of national and supranational socio-political organizations — of which the European Union is a good example — embodies and presupposes a concept of justice shared by citizens, who give their consent on the basis of a common recognition of that concept. On that consent, too, is based the ultimate guarantee of the effectiveness of the rule of law. That guarantee is the legitimate use of force.

Thus, the United Nations has a double intellectual challenge before it. On the one hand, it must consider the idea of coercion, backed by the concept of common justice, as a last resort in facing up to the gravest threats to the international community. On the other, the United Nations must address the debate on the universality of human rights vis-à-vis those who claim those fundamental categories of our coexistence to be relative and subject to modification according to culture.

In order to establish its legal order, international society, while it has not yet reached the level of interconnectedness of the communities within national States or the European Union, nevertheless needs a similar acceptance of principles of universal validity. The fact that its normative development is less advanced than that of national States does not allow us to skirt the twofold issue of universal applicability and capacity for ultimate implementation that arises for any legal order. Without both of these there can be no legal system — at least not one founded in democracy.

The strengthening of the rule of law is especially necessary in meeting the major challenges of the twenty-first century: terrorism and organized crime in their various forms — in particular the illegal traffic in drugs, weapons and persons — which today are a source of ridicule and anxiety to an international society that is unable to react with sufficient vigour to protect the victims. And we are all potential victims.

This challenge is also especially relevant today because, in the international arena, there are a number of societies that are either emerging from conflict, facing situations of instability or lacking in respect for the minimal norms of coexistence and human rights. Those societies are far from the standards of the rule of law. So long as they have not embarked on a resolute course of action to endow themselves with such standards, they cannot help themselves to overcome the underlying causes of conflict or contribute to the common struggle against the great scourges of terrorism and organized crime.

For some time now the idea has been accepted in international doctrine that the principle of non-interference in others' internal affairs cannot be invoked as a means of excluding the international community from monitoring violations of basic human rights. We must urgently ensure that a global community of shared political values can enable us to take the next step in the construction of an order based on fundamental principles of coexistence and the protection of the rights of the weakest members of society.

As is well known, Spain has been pioneering the idea of the creation — initially within the European Union — of a common space of freedom, security and justice that would help us to deal with the threats of crime and terror that we face. Since the Vienna, Amsterdam, Tampere and Feria summits — and during its presidency of the European Union — Spain has led the effort to help an increasing number of States share

what has been our conviction for some time: that the resolute implementation of shared values in daily life and the effective protection of our citizens is our most useful tool in combating the scourge of terrorism and those who support it, as well as organized crime in all its forms.

The United Nations is already working in this area, but much remains to be done. The General Assembly has been making important contributions in this area since 1985, approving the Basic Principles On the Independence of the Judiciary and, later, the Basic Principles on the Role of Lawyers, as well as the Guidelines on the Role of Prosecutors. Nor should we forget the work of the Commission on Human Rights aimed at promoting the independence of the judiciary and the administration of justice, the advisory services provided in this field by the Office of the High Commissioner for Human rights or the work of the Counter-Terrorism Committee, chaired by my country.

The United Nations today has before it an urgent task — a true test of its capacity to respond to the real needs of international society: contributing to establishing the rule of law and reforming the administration of justice in Iraq. Resolution 1483 (2003) entrusts the Special Representative of the Secretary-General with the task of promoting the legal and judicial reform of the country. I stress again what I said in the Council on 22 July: the political transition to democracy and the economic reconstruction of Iraq are not enough in and of themselves; they must be part of a body of law and a system of administering justice that enshrine respect for human rights.

Our efforts must be focused on three areas. First, establishing the truth and insuring accountability and reconciliation. Secondly, there must be legal reforms to ensure that human rights law in Iraq conforms to internationally accepted standards. In reforming the body of law as a whole in Iraq, care should be taken to guarantee that one group can never again prevail over another, as unfortunately occurred in the past. Similarly, institutional reform is also a matter of priority. Such reform must include a broad range of actions, relating to the courts, the civil police, the prison system, the security services and military establishments. Iraq can now begin a new phase in its history. Iraqis must adopt basic rules for coexistence enabling them to live in peace and freedom.

If the substantive issue is the capacity of the United Nations to move ahead with the progress of international law, making it truly operative, credible and implementable, it will be necessary to engage in a rigorous analysis of the means with which we confront that task today. We therefore welcome the Secretary-General's proposals that, on the basis of the ideas expressed in today's debate and in a subsequent open debate with other States Members of the United Nations, a comprehensive study be elaborated containing guidelines and proposing action. In this task, dialogue with other organizations and institutions active in this field, in particular the Council of Europe, will prove fruitful.

My statement began with the challenge that each of us faces today in seeking to contribute to expanding justice and the rule of law. This task is as ambitious as it is difficult — some might call it Utopian. But the road is before us, and every voyage — even the longest — starts with the decision to embark.

The President: I thank the Minister for Foreign Affairs of Spain for her kind words addressed to me.

I now give the floor to His Excellency Mr. Gunter Pleuger, Permanent Representative of Germany to the United Nations.

Mr. Pleuger (Germany): Foreign Minister Joschka Fischer would like to apologize for the fact that he is unable to attend this meeting as he had planned. This is due to a conflict of engagements, to which the traffic situation in the city has greatly contributed. I will therefore speak on his behalf.

We would like first of all to thank you, Mr. President, for having convened this very important meeting. The issues dealt with by the Security Council — peacekeeping, crisis prevention and conflict management — are inseparably linked to the rule of law. The creation or restoration of rule-of-law structures in post-conflict situations may be very difficult, but they are vital. Multilateral engagement in a crisis area can generate a better and more peaceful order in the long term only if this order is based on rule-of-law principles.

The rule of law can be destroyed by conflict very quickly. But it takes great effort, time and resources to rebuild a State based on the rule of law. We Germans know from our own experience that external assistance is essential in building a State based on the rule of law

in post-conflict situations. The restoration of peace and justice in El Salvador, Timor-Leste and Kosovo would not have been possible without the commitment of the United Nations. The two ad hoc Tribunals created by the Security Council have played a valuable role in dealing with the serious crimes committed in the former Yugoslavia and in Rwanda. The Special Court for Sierra Leone is a successful example of cooperation between national and international justice systems.

In this context I would like to single out the International Criminal Court. The International Criminal Court is an important step towards global civilization. It serves the same principles that are upheld and the same purposes that are pursued by the Security Council. It serves international justice, the rule of law and the fight against impunity. It can take on those very serious crimes which a State believes cannot be handled by its own courts at present. It should thus also be seen as an offer to countries weakened by crisis.

I should like quickly to outline six proposals on the rule of law in post-conflict situations. First, the Council knows that greater efforts to create rule-of-law structures in conflict areas can help ensure the sustainability of a peaceful order. It should go without saying that mission mandates also provide for the protection and restoration of the rule of law. But we do not have to reinvent the wheel in every post-conflict situation. Therefore, the development of standard or model procedures would be desirable. They should apply to the secondment of judicial commissions of inquiry, the integration of rule-of-law components into peacekeeping missions and the establishment of provisional judicial authorities. I suggest that the Secretary-General include proposals on this in his report. He might also consider establishing a task force in the Secretariat to tackle these issues.

Secondly, the complementarity between national and international efforts should be kept under constant review. The main pillar of justice continues to be the national judicial system, for which every country bears its own responsibility. However, in post-conflict situations in particular, the judicial sector is often crippled. I propose that, in his report, the Secretary-General also identify the weaknesses of national judicial systems in such situations and how they can be redressed. The personnel, financial and intellectual resources of States, international organizations, including non-governmental organizations, should be made available and included in these deliberations.

Thirdly, we feel that complementarity also means the institutional division of labour between national and international justice systems. In Sierra Leone, Kosovo, and Bosnia and Herzegovina, the international community has had good experience with various forms of division of labour. With regard to the prosecution of the most serious crimes in the Democratic Republic of the Congo, it appears that the Democratic Republic of the Congo and the International Criminal Court may work together. This cooperation between national and international bodies should be further developed.

Fourthly, some instruments aimed at fostering justice and the rule of law were created by the Security Council — for example, the ad hoc tribunals. Others, such as the International Court of Justice, emerged outside of that framework. However, its Statute contains cross-references to the Security Council. In order to use the various judicial systems efficiently, it could be worthwhile for the Security Council to observe their work more closely. I therefore propose that the Security Council set up a monitoring group for that purpose. It would be especially welcome if those Council members who are critical of or sceptical about some tribunals would participate in this group.

Fifthly, the rule of law, in our view, begins with the missions themselves. Members of United Nations missions must observe international rules. Violations of those rules must be investigated. We should consider whether monitoring by the Security Council and existing United Nations control mechanisms is sufficient, or whether we need an independent of investigation body within the Secretariat.

Sixthly and lastly, the rule of law and basic economic conditions are interrelated. The rule of law fosters trade and investment. However, a war economy, organized crime and smuggling undermine the rule of law. The international community must therefore try to stop these illegal economic flows. Our task in the Security Council is to use the instruments available to us to combat economic forces that aggravate conflicts. I think the Kimberley Process is an innovative example in this context.

In conclusion, I would like to say that we must focus our efforts on universally valid rule-of-law principles. That is a difficult balancing act in our

world, with its different legal areas and systems. However, the rule of law is a main pillar for ensuring enduring peace in the world.

The President: I thank the representative of Germany for his kind words.

I call now on His Excellency Mr. Ismael Gaspar Martins, Permanent Representative of Angola to the United Nations.

Mr. Gaspar Martins (Angola): I would like to start by thanking you, Sir, and your British presidency for organizing this special meeting of the Council this morning.

I also would like to say that, having listened to the very pertinent proposals this morning, contained in the Secretary-General's statement, and to his contribution, which we welcome, they definitely enrich our debate.

Three years ago, by adopting the Millennium Declaration, which embodies a large number of specific commitments, the entire United Nations membership shared a common vision aimed at creating an appropriate legal framework based on the rule of law and justice. As referred to in the preamble of the Charter, the peoples of the United Nations are determined to establish conditions under which justice and respect for the obligations arising from the treaties and other sources of international law can be maintained. The Charter is, therefore, the most important instrument dealing with the rule of law and justice in promoting peace and stability.

At the Millennium Summit, the Secretary-General encouraged States to sign, ratify and accede to international treaties. Specific attention was paid to the core group of multilateral treaties that represent the objectives of the Charter and reflect the Organization's values. While the increasing willingness of States to make that commitment should be commended, the gap between commitments and concrete action must be closed.

In that connection, the concrete proposals presented to us this morning by the Secretary-General show the importance and timeliness of this morning's debate. People throughout the world remain victims of summary executions, disappearance and torture. It is therefore our firm conviction that the most important contribution that our Organization can make lies in the promotion of the development of treaties and relations among States that make implementation of the set of laws that exist, and those that are created, possible.

The system of collective security provided by the Charter is of vital importance to the maintenance of international peace and security and the peaceful settlement of disputes. At the same time, the Charter acknowledges the important role that regional arrangements can play. In that connection, the contribution of African countries to the rule of law relating to peacekeeping represents interesting aspects concerning the relationship between regional arrangements and the Charter.

The engagement of the African Union mission in Burundi and of the Economic Community of West African States (ECOWAS) in Liberia and Sierra Leone is a very concrete demonstration of the willingness and the active commitment of the African countries, the region and subregional organizations to enforce peace and security based on justice and the rule of law.

Furthermore, the concrete lessons drawn from the peace process in my own country, Angola, with the role played by the countries of the Southern African Development Community in combating the illegal exploitation of natural resources and in the activities relating to the effective implementation of United Nations resolutions regarding sanctions on arms and petroleum embargoes, travel bans and the freeze of assets, all clearly demonstrate what can be achieved when there is political will on the part of the countries and the international community.

The close cooperation between the Security Council and the African Union reinforces the need for even closer cooperation in the future between the United Nations and regional organizations, and provides important lessons for the Security Council in its efforts to strengthen the role of the United Nations in safeguarding the rule of law and justice.

International efforts to deal with many of the problems associated with justice and the rule of law in preventing armed conflict, as well as in post-conflict situations in Africa, have succeeded significantly. For instance, the Constitutive Act of the African Union, as a landmark in this trend, provides for the right of intervention in any member State in case of grave circumstances, such as war crimes, genocide and crimes against humanity.

It also provides for the right of member States to request intervention by the Union to restore peace and security and to reject unconstitutional changes of Government. In a word, African countries have recognized the primacy of international law and the importance of the rule of law and justice for the prevention and settlement of conflicts.

The African countries and the international community have put in place a comprehensive set of international legal instruments designed to prevent impunity and atrocities such as those which have been committed in various countries. Those instruments also represent an important contribution by the continent. By establishing the special criminal courts for Rwanda and Sierra Leone, the Security Council showed its determination to enforce the rules of international humanitarian law. The lessons learned from the work of those tribunals were of great relevance in inspiring the international community to establish the International Criminal Court.

The role of the United Nations in enhancing the role of international law in international relations is constructive and cuts across many fields. While some African countries are doing well, poverty in Africa continues to rise. In my delegation's view, in order to make the work of the United Nations more effective and to better promote peace, justice and the rule of law, the international community should address important challenges such as extreme poverty, the devastating debt burdens of developing countries and the threat posed by the illegal exploitation of natural resources and its consequences. It should support initiatives and local strategies for securing adequate resources from the international community in order to enable the recovery and development of countries emerging from conflict situations, for ensuring support for country-led economic and social initiatives focusing on poverty reduction, for urging donor countries to fulfil their commitments to increased assistance to the least developed countries, for building supplementary peacekeeping capacity in cooperation with the regional organizations, and for making international technical assistance available to help countries to harmonize their domestic laws with international obligations.

To conclude, we deem very important the initiative of scheduling this public meeting. With the important contributions made in the Council this morning, I think the international community has again received very valid input to feed into what the Secretary-General has started in this very important deliberation.

The President: I thank the Permanent Representative of Angola for his kind words addressed to me.

I now call on His Excellency Mr. Martin Belinga-Eboutou, Permanent Representative of Cameroon.

Mr. Belinga-Eboutou (Cameroon) (*spoke in French*): Mr. President, let me at the outset congratulate you for taking the initiative to include on the agenda of the Security Council for October the theme that is the subject of the current debate. This is a very important theme that brings us to the very essence of the United Nations, since it has to do with justice and law and therefore peace.

Let me commend in this respect the presence of the Secretary-General at the beginning of our deliberations. I welcome his important introductory statement, which, as has been pointed out, identifies several interesting avenues by which, at long last, justice and the rule of law can become realities through robust action by the United Nations.

I said that the theme that we are debating today brings us to the very inception of the United Nations and the concerns that motivated the founding fathers of the Organization. At the end of the Second World War those founding fathers, motivated by the unspeakable atrocities that had occurred, asked themselves how to ensure that the world did not ever again go through such a situation, how to bring about a world of peace.

The answer is clear. A world of peace assumes nothing more than justice, respect for obligations arising from treaties and the establishment of freedom and better living conditions for all. The United Nations was given the onerous task of ensuring that that became a reality. The United Nations was, in effect, given the mission of maintaining international peace and security and of carrying out international cooperation in order to ensure development and respect for human rights and basic freedoms. This means that at the very origin of the United Nations the dialectic relationship between justice, law, peace and development — or, as some would put it, the consubstantial link between these concepts, which in themselves are genuine programmes — was reaffirmed.

The merit of this discussion is specifically in reminding us of this basic truth at a time in intrastate

and international relations when, despite our professions of faith, the need for justice, development and the rule of law does not seem to be commonly shared, at least not in deeds and in truth. In other words, how are we to explain today this proliferation of deadly conflicts with many consequences for peace and security? How are we to understand mankind's persistence in atrocities of untold cruelty which one compels one's peers to undergo? Unfortunately, man continues to prey on man. How are we to admit that in this day and age, despite our declarations of commitment, justice and equity are not yet sufficiently present in the relations between countries and between peoples? The Ambassador of Angola has spoken abundantly on this aspect of the matter.

In his report on the causes of conflict in Africa (A/52/871-S/1998/318), the Secretary-General studied the conditions that need to be met for sustainable peace and development on that continent. Those conditions include good governance, transparency, administrative accountability and robust democracy. It is clear that those conditions are also summed up in the topic of our current discussion. They serve to give the United Nations a wide-open field in which to operate.

Among the objectives that our Organization is expected to meet in that framework, three seem to us to be priorities. First, the United Nations is expected to play a principal role in the establishment of peace based on law and justice, the only way to build a secure and democratic society. The United Nations must also give priority to providing security to peoples in the greatest need of it, to ensuring compliance with agreements, assuring State reform and preventing the breakdown of the State and laying down the bases for the establishment of a modern State. In short, the United Nations is expected to work for the reconstruction of the State, as understood under Articles 2 and 4 of the Charter.

Secondly, the United Nations must work for the rule of law in relations between States and the peaceful settlements of disputes. More specifically, it must support and stand by any initiative undertaken by States themselves to that end. Similarly, as experience has shown, the United Nations must contribute to training an efficient police force to establish order and security, and do so in keeping with human rights. It must work towards restoring the justice system to enforce and indeed ensure respect for law in relations among citizens and between citizens and the State. Of course, such measures will be incomplete if our Organization does not assist in strengthening all those conditions by holding free and transparent elections that uphold the rule of law.

As has been said at length around this table, conflicts often lead to gross violations of rights, which compels the United Nations to establish institutions before which the perpetrators of serious violations must appear. With the International Criminal Court, the international community has established permanent jurisdiction, whose very presence, according to Antoine Garapon, weakens all the Powers of the world, both autocratic and democratic, by notifying them that they shall never be immune, and also troubles human rights activists by assigning a destination without providing a map. This therefore constitutes the end of impunity.

Finally, the issue of protecting civilians in armed conflicts must be at the heart of the United Nations. While it endeavours to carry out campaigns to protect civilians and implement Security Council resolution 1325 (2000) on women, peace and security, the Council must also urgently think about the need for an early-warning and rapid intervention machinery to swiftly intervene as soon as the rights of civilians are threatened.

Human history has shown that no entity can be viable or survive in the long term if it is not based on justice and law. That is why, beyond preventive diplomacy, there is need for a comprehensive peace-building machinery that makes it possible to tackle the very causes of conflicts. We need a post-conflict code of conduct.

To conclude, I would like to commend the striking convergence of views that has been evident around this table with respect to the need for the United Nations to assume its due role in post-conflict situations — in which justice and the rule of law are increasingly jeopardized. May our meeting lead to the realization of the need to strengthen our Organization by making the human, legal and other necessary resources available to it so that it can live up to the role expected of it.

The President: I thank the representative of Cameroon for his kinds words. I now call on the representative of the United States.

Mr. Cunningham (United States): Thank you, Mr. President, for providing the opportunity to discuss the centrality of justice and the rule of law in international affairs.

The United States of America is a nation founded, not upon ethnicity or cultural custom or territory, but upon law enshrined in our Constitution. As a consequence, establishing and maintaining the rule of law has been an enduring theme of American foreign policy for over two centuries.

Notably, the United States Constitution specifically provides that treaties shall be the supreme law of the land. We therefore do not enter into treaties lightly because we believe that the importance of the rule of law to a successful system of peace cannot be overstated. Democracy, justice, economic prosperity, human rights, combating terrorism and lasting peace all depend on the rule of law. The rule of law is essential to fulfil the ideas behind the United Nations Charter that we are all pledged to support. Since the creation of the United Nations, however, there have been more than 200 armed conflicts, involving more than 100 different countries and resulting in some 30 million deaths. Those statistics tell us we have not yet succeeded in fulfilling the call of the Charter to rid the world of the scourge of war and to heal its wounds.

To be sure, our collective experience has shown that there is no one-size-fits-all approach to conflict resolution and post-conflict development. Nonetheless, we have learned a few lessons that must be firmly applied if we are to improve our performance. We know that United Nations mandates must be clear and realistic from the outset, backed by adequate resources. We know that helping societies emerge from conflict requires order, within which reform can take place. And we know that order is not an end in its own right. Rather, it must be part of a larger plan for establishing or re-establishing the rule of law so that social and economic development can take place and justice can be served.

Inevitably, the process of securing the rule of law is multifaceted. Order requires well-trained police forces. Those police forces must then be integrated into an effective, fair and credible legal system and a functioning judiciary staffed by qualified judges, prosecutors, lawyers, and other officials. In some cases, courtrooms may need to be rebuilt, law school curricula may need to be revamped, legal codes may need to be revised and prison systems may need to be restructured. The burden of the rule of law is great, but so are its rewards. A reliable legal infrastructure is crucially important to the economic prosperity necessary to reintegrate formerly warring factions into society. Every experience with demobilization provides abundant evidence in support of that point.

However, none of those measures will succeed without informed public support. Often, profound social and cultural change is needed for the rule of law to take root. In the last 10 years, the international community has become increasingly active in helping countries in that difficult work. To be most effective, there is a need for cadres of experts in the many areas related to the re-establishment of the rule of law: administrators, civilian police, lawyers, judges, prosecutors, teachers, media experts and others. To the extent that those people are not already on the payroll of the United Nations, we must be able to recruit them on short notice to help rebuild a society emerging from conflict. Obviously, those experts should know the language and culture of the country they may be asked to help in order to be most effective. But even with the help of uniquely qualified specialists, the international community cannot wave a magic wand to bring a society out of conflict to a better future. That task can only be completed if there is the necessary long-term commitment from the local Government and population.

That commitment will be severely tested. All our impulses and cravings for justice urge us to prosecute where horrific crimes have occurred. But launching prosecutions in the midst of negotiations may not be the best route to post-conflict development. Flexibility in approach is needed. That said, good judicial models can greatly help countries build strong judiciaries. As the Nuremberg legacy teaches us, no one should be above the law. Indeed, the United States has been at the forefront of international efforts to ensure that those responsible for wartime atrocities are prosecuted, from the establishment of the Nuremberg and Tokyo tribunals to leading the effort to set up the International Criminal Tribunals for the former Yugoslavia and Rwanda, to the most recent case of the Sierra Leone Special Court. The United States has been the single largest donor to those international institutions.

At home and abroad, we have vigorously pursued the highest standards in accountability for war crimes and crimes against humanity. No nation devotes more

resources to training in, and compliance with, the law of armed conflict than the United States. In fact, a Department of Defense directive formally provides that all reportable incidents involving violations of the law of war committed by or against United States or enemy persons be reported promptly, thoroughly investigated and, when appropriate, remedied by corrective action. The Department of Defense has formal procedures and responsibilities in place to ensure that all such violations of the law of war are prosecuted in appropriate cases. Commanding officers who receive an initial report of a possible war crime are required to request that a formal investigation be conducted. In addition, senior Department of Defense officials are required to provide for disposition of war crimes cases under the Uniform Code of Military Justice in appropriate cases. We hope that other countries will follow our example in that area by training all their men and women in uniform in their legal obligations and by holding their soldiers accountable for violations of the laws of war.

Let me conclude where I began. The rule of law is indispensable to justice, freedom and economic development. Moreover, the rule of law is indispensable to international peace and security abroad. As a nation founded by law, the United States is the unflagging champion of the rule of law. By working together in support of the rule of law, we believe the international community can strengthen peace and help conflict-ridden societies build a better future. For 200 years that has been our firm conviction and practice. And it will remain our first article of faith.

The President: I thank the representative of the United States for his kind words addressed to me.

I now give the floor to Her Excellency Mrs. Soledad Alvear Valenzuela, Minister for Foreign Affairs of Chile.

Mrs. Alvear Valenzuela (Chile) (*spoke in Spanish*): Chile would like to thank the British presidency of the Security Council for its initiative in convening this meeting to deal with an issue vital to the work of the United Nations, namely, how to provide the world with more stability, peace and security.

The rule of law, democracy and human rights are the core values of our Organization and the guiding principles of the international system. The drafters of the Charter assigned to justice and the rule of law a pre-eminent place in an international system that aspires not only to be predictable, but also to make real the idea of justice. The rule of law stands as a bulwark against arbitrariness on two levels: first, with regard to relations between States and, secondly, with regard to relations between States and individuals.

In the Millennium Declaration, our heads of State and Government reiterated their commitment to promoting respect for the rule of law in international and national affairs.

One of the most important principles enshrined in the Charter of the Organization seeks to ensure the rule of law through the peaceful settlement of disputes. That is one of the cornerstones of contemporary international law. Under Chapter VI, the Charter gives the Security Council broad responsibility in the settlement of disputes. One current challenge is how to adapt the application of that principle to intra-State conflicts, which are gaining increasing importance on the international agenda over inter-State conflicts.

The concept of sovereignty has evolved from a supreme, absolute and unlimited jurisdictional authority to an authority that is equal to that of any other independent State, but limited by international law, humanitarian law and human rights law and based on the free will of the people of the territory in question. In other words, as a distinguished Latin American jurist has ably argued:

> "In organizing itself freely, a State is limited by the rights of free people, which must always be respected, based on the principle that the State is at the service of men and of the universal morality that infuses and gives meaning and foundation to any legal order."

The international community, therefore, cannot remain passive in the face of massive violations of human rights, ethnic cleansing or humanitarian crises, and must act both to put an end to such violations and to prevent those responsible from going unpunished.

The achievement of international justice is a requirement in an international society that rejects the commission of crimes against humanity. In response to that demand, the Security Council created two important institutions to ensure respect for the law and, ultimately, the maintenance of international peace and security. We refer here to the international criminal

tribunals for the former Yugoslavia and for Rwanda, created to prosecute and punish those guilty of the grave crimes committed in those territories.

The Council must continue its work in this field, using the tools that the international community has given it. An important function was assigned to the Council in this regard when it was given the power to refer situations to the International Criminal Court in order for the Court to try cases involving crimes over which it has jurisdiction.

Chile reaffirms its commitment to the purposes and principles of the Statute of the International Criminal Court, an institution that embodies this universal aspiration to the rule of law and the achievement of justice.

Post-conflict situations pose a challenge to the United Nations, but they also represent an opportunity to rehabilitate societies fractured by war and to contribute to the moral and material reconstruction of their institutions.

The Brahimi report has already recommended that elements of the rule of law be mainstreamed into complex operations in post-conflict situations.

The consensus of the international community today is that comprehensive approaches are required to provide support to a society during the reconstruction phase until it becomes self-sustaining and until the bases for preventing a return to conflict are established. Only then can the United Nations consider its mission complete. To that end, it is necessary to devise an appropriate exit strategy.

The post-conflict process requires close institutional cooperation among the various organs of the United Nations system and the international financial institutions.

The consolidation of peace in post-conflict situations is a collective effort that involves not only the parties and the United Nations, but also civil society, which also has a key role to play in post-conflict situations to ensure viability of the new institutions.

Truth and reconciliation commissions can play a constructive role in this regard, as has been the case in Chile, where our society, in the wake of a divisive past, can now look to the future with a sense of unity and national identity.

It is also important for this process to include a gender perspective, as provided for in resolution 1325 (2000), of 31 October 2000, which, inter alia, reaffirmed the need fully to implement international humanitarian and human rights law that protects the rights of women and girls during and after conflicts.

The security of humanitarian and United Nations personnel is one of the essential requirements for implementing a strategy of reconstruction that upholds the primacy of law. That is why Chile welcomed the unanimous adoption on 26 August last of resolution 1502 (2003), aimed at enhancing the protection of United Nations personnel, associated personnel and humanitarian personnel.

One of the areas in which the Council can make a contribution to the rule of law and international justice is that of sanctions imposed pursuant to Chapter VII. It is necessary to reduce to a minimum the negative impact which economic sanctions can have on innocent civilian populations and to address the issue of the adverse impact of sanctions on third countries. One interesting model is the Al Qaeda and Taliban sanctions Committee, whose sanctions are not directed at countries but at persons and organizations belonging or related to a terrorist network.

This accumulated experience should be reflected in future Council mandates. The possibility should be considered of strengthening the elements that ensure democratic governance in the elaboration of instruments to govern the political process. In that sense, in designing the exit strategy, the follow-up to the political process through indicators of democratic governance can be agreed upon with the host Government in a way that would link the United Nations with the quality of democracy in the country, beyond the formal end of the mission in question.

The rule of law offers the Security Council the possibility of basing its work on a concept that embodies the core values of the United Nations in addressing material and moral needs in post-conflict reconstruction. The Council should explore the possibility of actively incorporating regional organizations into this task, taking into account their experience and the specificity of each conflict.

The United Nations must intensify its action in this area, which represents one of the most notable achievements of the Organization in the promotion of

universal values and in the construction of a world in which the rule of law and justice will prevail.

The President: I thank the Minister for Foreign Affairs of Chile, whom we are very glad to see, for the kind words she addressed to the United Kingdom.

I shall now make a statement in my capacity as the Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom of Great Britain and Northern Ireland.

I have listened today with very great interest to the interventions and suggestions of colleagues assembled here today. I think that we all understand very clearly that free and prosperous societies need order, security, stability and the rule of law. Without the proper protection of human rights, post-conflict societies can easily lapse again into a cycle of violence.

In its history, the Security Council has expended a great deal of effort in trying to secure peace around the globe. But in too many cases which have come before the Security Council, conflict has soon re-ignited, and this is wasteful not only, obviously, of United Nations resources, but of the hopes and lives of those who suffer.

I think that we therefore need to look hard at the reasons why conflicts so often re-ignite and apply the lessons from this to future United Nations interventions. I suggest that we need a more strategic, more coordinated and more consistent approach.

The United Nations obviously has much to contribute to this increasingly pressing priority of the international community of managing post-conflict situations. The United Nations has the relevant experience, ranging from international criminal tribunals to training, policing and justice. The contributions today from colleagues around the table and from the Secretary-General bear that out. I believe that the Council therefore has many lessons to learn and to synthesize from this experience.

The tribunals for the former Yugoslavia and Rwanda have broken new ground in international law. They have shown that no one — no head of Government or State — is above the law. But we also need to recognize that those tribunals are slow and very costly as a form of justice.

We have tried to apply some of those lessons with the establishment of the Special Court for Sierra Leone. It is set up in the country where the crimes took place and within a time limit of three years. It will deal only with those most responsible for war crimes. It has avoided the top-heavy bureaucracies of the tribunals for the former Yugoslavia and Rwanda. Both those tribunals are costing well over $100 million a year. We need to think about whether that has turned out to be the most efficient expenditure of money.

In contrast, the Sierra Leone court has made a good start. In little over a year, it has indicted 12 individuals, and it should begin trials in January of next year. But its continued existence is threatened by the failure of the international community to provide the necessary resources. Bluntly, if we do not receive $4 million before November, the court will be bankrupt before those trials begin. I think it will be a very odd situation when the international community is able to find $100 million for the tribunal in Rwanda for a very limited number of indictees but cannot find $4 million to enable this very important tribunal contributing to reconciliation in Sierra Leone to operate. I hope that we can show our commitment to that process.

We also hope from our point of view that the International Criminal Court will eventually remove the need for separate international tribunals. As a party to the Statute, the United Kingdom is fully committed to the Court, and we have fully accepted its jurisdiction. That said, we all know that justice is always best delivered at a national level. Therefore, international mechanisms should be a last resort. But the problem is that conflict often breaks out in exactly those societies where democratic structures, including an independent judiciary, are weak. The international community must therefore provide better resources and expert assistance to help rebuild or establish robust democratic structures, including courts.

The United Nations experience from its operations in Kosovo, Afghanistan and East Timor underline the fundamental importance not just of judicial systems but of what has to go alongside those systems: police reform, good governance and a functioning and accountable system of public administration. To achieve that and to help societies break out of persistent poverty by creating the right climate for economic aid and investment in which the rule of law plays a crucial role, we have to harness better the skills and expertise within the United Nations and within other international organizations such as the International Monetary Fund and the World

Bank. We need expertise that can be delivered speedily and efficiently.

I have noticed that a consistent theme of contributions today is the way in which the United Nations could help by establishing a standing data base of experts, nominated by Member States, who would be available if called upon by the Security Council or by States to assist in these areas. How many times have I been asked in a United Nations forum or, for example, in a European Union forum, for suggestions of such experts. Each time we go back to scratching our heads about who could make a contribution, whereas, frankly, with modern data base systems and the kind of cooperation that is essential, those names and their expertise ought to be available on a standing basis. I hope that the Secretary-General will be able to offer his thoughts on the feasibility of those proposals.

The Council should also look at mainstreaming rule of law issues into our work. I say this as a lawyer who has often been the butt of jokes that lawyers are somehow parasitic on society. Whatever people's views may be about lawyers, the rule of law is absolutely fundamental to the operation of societies. People can carry on with their barroom jokes about lawyers, and those of us who, as lawyers, earned an honest pound or dollar in the past will have to bear them. But those barroom jokes should not extend to undermining faith in the rule of law because faith in the rule of law is absolutely fundamental to the way our societies operate and to the operation of the international community.

When peacekeeping mandates are under discussion, the Council should be offered advice on securing the necessary expertise. Those responsible for ensuring the rule of law in the absence of effective civilian authorities should follow codes of conduct. That approach should be expanded throughout all relevant United Nations operations and agencies.

I believe that today we have made a start by focusing attention on the importance of the rule of law in post-conflict societies, and I hope that we can continue the debate in the future. We look forward to hearing more from the wider United Nations family on 30 September. As President, I encourage the United Nations agencies and the United Nations membership to offer their fullest contributions. We look forward in particular to the Secretary-General's report and to the analysis that we trust it will offer on the way forward on these issues.

I now resume my functions as President of the Security Council. After consultations among members of the Security Council, I have been authorized to make the following statement on behalf of the Council.

"The Security Council met at ministerial level on 24 September 2003 to consider 'Justice and the Rule of Law: the United Nations Role'. Ministers expressed their respective views and understandings on, and reaffirmed the vital importance of these issues, recalling the repeated emphasis given to them in the work of the Council, for example in the context of the protection of civilians in armed conflict, in relation to peacekeeping operations and in connection with international criminal justice.

"The statements made on 24 September demonstrated the abundant wealth of relevant experience and expertise that exists within the United Nations system and in Member States. Ministers considered that it would be appropriate to examine further how to harness and direct this expertise and experience so that it was more readily accessible to the Council, to the wider United Nations membership and to the international community as a whole, so that the lessons and experience of the past could be, as appropriate, learned and built on. The Council welcomed in particular the offer by the Secretary-General to provide a report which could guide and inform further consideration of these matters.

"The Council invites all Members of the United Nations, and other parts of the United Nations system with relevant expertise, to contribute to this process of reflection and analysis on these matters, beginning with the further meeting on this subject which will be convened on 30 September 2003."

This statement will be issued as a document of the Security Council under the symbol S/PRST/2003/15.

As there are no further speakers inscribed on my list, the Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 11.40 a.m.